



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

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**Consideration of reports submitted by States parties
under article 19 of the Convention**

**List of issues in relation to the fifth periodic report of
Uzbekistan**

Addendum

Replies of Uzbekistan to the list of issues*

[Date received: 16 September 2019]

* The present document is being issued without formal editing.



Articles 2, 4 and 15

Paragraph 2 (a) and paragraph 4 (b)

1. Uzbekistan implements a consistent policy on the implementation of the Convention against Torture. Strict liability is incurred for the use of illegally obtained evidence in prosecutions. Under a law passed on 4 April 2018,¹ article 235 (Torture and other cruel, inhuman or degrading treatment or punishment) of the Criminal Code was brought into line with the requirements of article 1 of the Convention.

2. On 30 November 2017, the President of Uzbekistan adopted a decree on additional measures to strengthen guarantees of the rights and freedoms of citizens in forensic investigations. Among its aims is to combat torture and unlawful investigations.

3. A rule has been added to article 22 of the Code of Criminal Procedure to ensure mandatory verification by the procuratorial authorities or a court of reports of torture, including forensic medical or other expert examinations in accordance with the procedure established by law, in cases where a person files a complaint about the use of unlawful methods in the collection and recording of evidence against him or her.

4. Under a supplementary provision introduced to article 91 of the Code of Criminal Procedure, a video recording must be made of the following stages in the proceedings: crime scene inspections for especially serious offences, searches, verification of evidence where the incident occurred and crime re-enactments.

5. Article 95-1 was added to the Code of Criminal Procedure to stipulate the inadmissibility of factual evidence obtained illegally or through the denial or restriction of the legally protected rights of persons involved in criminal proceedings or in violation of the Code of Criminal Procedure, including evidence obtained under torture and other cruel, inhuman or degrading treatment or punishment used against persons involved in criminal proceedings or their family members and on other grounds.

6. In 2018, the procuratorial authorities received 1,069 complaints of torture, intimidation and the exertion of pressure (189 complaints in 2017 and 152 complaints in 2016).

7. According to the Supreme Court: in 2013, 2 criminal cases involving 4 persons were heard; in 2014, 7 cases involving 15 persons; in 2015, 12 cases involving 29 persons; in 2016, 9 cases involving 13 persons; in 2017, 13 cases involving 28 persons; in 2018, 3 cases involving 4 persons; and, in 2019, 1 case involving 1 person.

8. From 2017 to 2019, the internal affairs agencies received 687 complaints of illegal acts on the part of personnel in penal institutions; 269 were received in 2017, 247 in 2018 and 171 in the first half of 2019.

9. The Ombudsman received 20 complaints in 2013, 66 in 2014, 12 in 2015, 17 in 2016, 24 in 2017 and 101 in 2018. All these complaints were considered under the applicable monitoring procedures and no violations of article 235 of the Criminal Code were found.

Paragraph 2 (b)

10. The courts do not as yet provide in the statistical reporting forms used to record the initial details and the outcome of criminal and civil cases separate information on the number of cases in which confessions obtained by torture have been declared inadmissible as evidence or on the number of claims for compensation for victims of torture that have been considered in criminal or civil proceedings.

¹ Act No. ZRU-470 of 4 April 2018 amending a number of legislative acts of Uzbekistan in connection with the measures taken to strengthen the guarantees of the rights and freedoms of citizens during forensic investigations.

Paragraph 2 (c)

11. The following has been provided for to improve methods of investigation and to use methods that rely on scientific evidence and as part of the organization of training programmes on coercive interrogation methods at the Academy of the Ministry of Internal Affairs:

- Update of the training programme on upholding the right of defence in pretrial investigations, which covers issues related to protecting the rights of detained suspects and accused persons, with a focus on gathering evidence rather than obtaining confessions
- Introduction of a new topic to the training programme on pretrial investigations developed for full-time first-year students, called “Communication skills and knowledge requirements for investigators”, identified as one of the main factors in preventing violations of the rights of persons involved in criminal proceedings
- Development of proposals and recommendations to broaden the scope of habeas corpus
- Preparation of a new version of the Code of Criminal Procedure to ensure the rights of persons involved in criminal proceedings and proposals and recommendations to extend the rights of suspects and accused persons and to empower lawyers and other persons responsible for criminal cases
- Completion by cadets and other students, regardless of their chosen specialization, of courses on the mandatory requirements for internal affairs personnel

12. Since 2018, the Academy of the Office of the Procurator General has offered vocational retraining for candidates for posts in the procuratorial authorities as a main area of specialization. These courses, which last at least 576 hours, teach basic prosecution and investigative work and case management in the procuratorial agencies. The training is divided into modules and classroom exercises are combined with on-the-job training in district procurator’s offices in Tashkent.

13. Professional development courses are intended to disseminate the substance and significance of new legislation, improve professional skills and competence, teach the latest advances in prosecution and investigative work and eliminate systemic shortcomings in the work of the procuratorial authorities.

Paragraph 2 (e)

14. National legislation provides for the classification of criminal offences if there are sufficient grounds to think one has been committed and in accordance with the rules set forth in the Code of Criminal Procedure. The procuratorial agencies examine the legality of court decisions that have become enforceable, based on complaints from citizens (at the parties’ request).

Paragraph 3 (a), (c) and (d), articles 12–13

15. Gaibullo Dzhililov (2018), Rasul Khudoynazarov (2014), Azam Formonov (2017), Mekhrinisso and Zulkhumor Khamdamova (2018), Nosim Isakov (2006), Yuldash Rasulov (2018), Zafarzhon Rakhimov (2015), Akzam Turgunov (2017), Gulnaza Yuldasheva (2013), Mukhammad Bekzhanov (2017), Bobomurod Razzakov (2016), Solizhon Abdurakhmanov (2017), Isroilzhon Kholdarov (2018), Turaboy Zhuraboev (2013), Ganikhon Mamtkhanov (2017), Dilmurod Saidov (2018) and Nematzhon Siddikov (2018) have all been released from detention.

16. Under article 302 of the Code of Criminal Procedure, an exonerated person has the right to compensation for loss of property and reparation of moral injury caused by unlawful detention, unlawful remand in custody or house arrest as a preventive measure, unlawful dismissal in connection with the charges or unlawful admission to a medical facility. The grounds for exoneration (Code of Criminal Procedure, art. 301) can be either acquittal or the circumstances set out in article 83 of the Code of Criminal Procedure.

17. In view of the above, given that the aforementioned persons were released from their places of deprivation of liberty but were not exonerated, and also considering that their claims of torture were not substantiated, it is not possible to compensate them for torture or ill-treatment suffered during detention.

Paragraph 3 (d) (i)

18. On 7 May 2018, Tashkent City Criminal Court found Bobomurod Abdullaev guilty of committing an offence covered by article 159 (3) (b) of the Criminal Code. Under the same article in conjunction with article 57 of the Criminal Code, he was sentenced to 3 years' punitive deduction by the State of 20 per cent of his salary. In accordance with article 62 of the Criminal Code, applying the rules for the calculation of pretrial detention, under which one day of pretrial detention counts as three days of punitive deduction of earnings, and given that Mr. Abdullaev was remanded in custody for 221 days, from 29 September 2017 to 7 May 2018, 22 months and 3 days (663 days) were deducted from the sentence pronounced, which left a penalty of 1 year 1 month and 27 days of deduction by the State of 20 per cent of his earnings to be paid. The court's verdict was not challenged.

19. During the trial, Mr. Abdullaev stated that during the preliminary investigation he had been subjected to illegal interrogation methods that entailed physical and mental pressure and torture, which had left him with marks caused by a beating on his left shoulder.

20. The court then ordered a forensic medical assessment to verify Mr. Abdullaev's claims. According to report No. 22 of 9 March 2018, which was based on the forensic medical examination of Mr. Abdullaev, it was found that Mr. Abdullaev had a scar on his left shoulder. Owing to the lack of objective data (initial shape of the scar, whether it was an incised wound, crush injury or laceration, the size, depth and bed), it proved impossible to establish the nature, mechanism, the object that had caused the damage, the time of formation or the severity of the scar on the left shoulder.

21. According to the medical record provided by the National Security Service remand centre, at the time of admission on 29 September 2017, Mr. Abdullaev already had a scar on his left shoulder. Further clinical and laboratory tests (magnetic resonance imaging of the head, cervical spine, thoracic spine, lumbar spine and sacrum, ultrasound scan of the kidneys, bladder and prostate, urine test, examination by specialist clinicians: a urologist and an ear, nose and throat specialist) failed to show any traumatic injuries.

22. During the forensic medical assessment, it was found that Mr. Abdullaev had a physical illness. Given the absence of traumatic injuries identified after the magnetic resonance imaging conducted on the entire vertebral column, Mr. Abdullaev's spinal degeneration and its complications cannot have been caused by trauma.

23. Moreover, Mr. Abdullaev did not report this matter to his lawyer at their meetings in the course of the investigation and did not ask his lawyer to submit the relevant written statements to the head of the competent authority.

24. Therefore, the claims by Mr. Abdullaev that illegal investigative methods were used to exert physical and mental pressure on him could not be substantiated.

Paragraph 3 (d) (iii)

25. On 6 March 2014, Shaykhontohur District Criminal Court sentenced Nuraddin Dzhumaniyazov to 9 years' imprisonment under article 135 (3) (d) of the Criminal Code. He was eligible for amnesty under a decision adopted by the Senate of the Oliy Majlis, the national legislature, on 12 December 2013, pursuant to which the unserved portion of his sentence was reduced by one third, to 5 years, 11 months and 28 days. On appeal, Tashkent City Criminal Court upheld the sentence in a ruling of 7 April 2014.

26. On admission to a penal institution, Mr. Dzhumaniyazov underwent a full medical examination, which highlighted some chronic conditions. Mr. Dzhumaniyazov had an annual preventive medical examination and received appropriate health care in accordance with the doctors' recommendations, both as an outpatient and as an inpatient in a specialized prison hospital (in Tashkent).

27. On 14 July 2016, Mr. Dzhumaniyazov was taken to the specialized prison hospital for inpatient treatment. Despite the professional health care he received, complications arose, and Mr. Dzhumaniyazov died of acute myocardial infarction on 31 December 2016.

28. On 20 January 2017, the Tashkent Special Procurator's Office decided, under article 83 (2) of the Code of Criminal Procedure, not to initiate criminal proceedings concerning Mr. Dzhumaniyazov's death.

Paragraph 3 (d) (iv)

29. On 2 March 2017, Mirobod Interdistrict Civil Court ordered that Ms. E. M. Urlaeva be hospitalized for compulsory treatment based on a report from the Tashkent City Clinical Psychiatric Hospital stating the necessity of hospitalizing her in a psychiatric inpatient facility for monitoring and treatment in connection with a serious psychiatric disorder that would cause significant harm to her mental health if she remained without psychiatric care. Pursuant to this order, Ms. Urlaeva underwent compulsory treatment from 2 to 24 March 2017.

Paragraph 4 (a)

30. The Ombudsman has not received any complaints of sexual violence against persons deprived of their liberty.

Paragraph 4 (c)

31. Within the national penal correction system, the necessary measures to prevent any acts that constitute abuses of the legal rights of detained persons and persons deprived of their liberty are taken in a timely manner.

32. If it is discovered that physical force or prohibited treatment have been used, the perpetrators are subject to disciplinary measures or criminal prosecution. During the reporting period, no cases of violence against persons in detention facilities were identified.

33. Owing to the absence of any reports or complaints of violence against persons in detention facilities, no investigations were conducted.

34. No misconduct on the part of officials of the penal correction system was allowed to occur while Mutabar Tadzhibaeva, Zulkhumor Zhamdamava and Gulnaza Yuldasheva were held in detention facilities.

35. According to the records of the internal affairs authorities, no Kutuma Artykova has ever been detained in institutions of the penal correction system.

Paragraph 5

36. Special attention is paid in the penal correction system to ensuring that the law is respected and that the abuse of persons detained in its facilities is prevented.

37. The detention conditions for women remanded in custody and held in penal establishments comply strictly with current legislation and are compatible with international standards.

38. Discrimination against women in detention is prohibited, as are forced sterilization, ill-treatment and abuse in detention facilities.

39. Surgical contraception as a family planning method requires a medical intervention. Such a procedure is only carried out on a voluntary basis with the written consent of the women and her family members.

40. Access to contraception is provided according to local protocols adopted in line with the World Health Organization publication *Medical Eligibility Criteria for Contraceptive Use* (2015) and *Selected Practice Recommendations for Contraceptive Use* (2016) and the approved national standards on the provision of services in reproductive health, family planning and contraception.

Paragraph 6 (a)

41. Under criminal procedural law, the duration of police custody must not exceed 48 hours from the time that the person being detained is handed over to the internal affairs agency or other law enforcement body. If the person conducting the initial inquiry, the investigator or the procurator submits necessary and sufficient justification, the duration of custody may, by court decision, be extended for a further 48 hours.

Paragraph 6 (b)

42. In accordance with the current Code of Criminal Procedure, persons deprived of their liberty are entitled to:

- Prompt and unimpeded access to a lawyer of their choice
- The right to request and receive a free confidential examination by a doctor upon request
- The right to be informed of their rights and the charges against them in a timely manner

43. In accordance with criminal procedural law, persons charged with an offence have the right to receive professional legal assistance from a lawyer. If accused persons or defendants are being held in custody, their defence counsel may conduct interviews with them in private without restriction as to their number or duration (Code of Criminal Procedure, art. 53).

44. If suspects, accused persons or defendants waive their right to counsel, this does not affect their subsequent right to request that a defence lawyer be brought onto the case.

45. The regulations governing the procedures for guaranteeing the right of defence of detained persons, suspects and accused persons establish the procedure for the appointment and participation of lawyers in criminal cases, the mechanism for State-funded defence and the procedure for waiving the right to counsel. They also establish the procedure for lodging complaints about violations of the right of defence of detained persons, suspects and accused persons and the organization of duty counsel rotation, including at weekends and on public holidays.

46. Article 50 of the Code of Criminal Procedure provides that, if the chosen lawyer cannot take up the case within 24 hours, the investigator, procurator or court must offer the suspect or accused person or his or her relatives the opportunity to engage a different lawyer or to apply to a legal practice, bar association or law firm for the appointment of a lawyer, who may take up the case at any time. At the request of the detained person, investigative activities involving him or her are conducted only with a lawyer present.

47. Under article 10 of the Penalties Enforcement Code, convicted prisoners are entitled to professional legal assistance. To obtain such assistance, convicted persons are granted meetings with their lawyers in private at their own request or upon application by the lawyer. Meetings between convicted prisoners and their lawyers are not counted in the number of permitted visits provided for by the Code but are unlimited in number and duration.

48. While providing legal assistance, lawyers have the right to file complaints about the actions and decisions of the administration of the penal institution, procurators and courts and to request certificates, character reference letters and other documents from the administration of the penal institution.

49. If the detained person's own lawyer is absent during any court proceedings, he or she is provided with a public defender.

50. In accordance with the requirements of a presidential decree of 12 May 2018 on measures to radically enhance the effectiveness of the legal profession and strengthen the independence of lawyers, the rules and regulations for institutions of the penal correction system and remand centres were amended to ensure timely and unimpeded meetings between clients and their lawyers in special rooms (in colonies and remand centres, 69 individual rooms have been equipped for meetings with lawyers), which are free of any

audio or video recording devices and prevent any conversation between the lawyer and client from being overheard, while allowing them to be seen. During meetings with their clients, lawyers use electronic devices (mobile phones, cameras and Dictaphones). The requirement for lawyers to show documents not stipulated by law before meeting with their clients has been eliminated, and they now only have to show a practising certificate and an authorization form for the specific case.

Paragraph 6 (c)

51. In 2016, three staff members of remand centre No. 1 were prosecuted under article 235 of the Criminal Code.

Paragraph 6 (d)

52. The Investigative Department of the Ministry of Internal Affairs and its local branches currently have 31 special rooms with audio and video recording equipment for interrogations. It is planned to introduce such rooms progressively in all units of the internal affairs agencies.

53. More than 2,800 video surveillance cameras have been installed in penal establishments (1,920 in colonies and more than 880 in remand centres).

54. Furthermore, 123 video surveillance cameras have been installed in the investigation rooms of all the Ministry of Internal Affairs remand centres.

55. For lawyers in remand centres and closed colonies, 69 individual rooms have been established, which are free of any audio or video recording devices and prevent any conversation between the lawyer and client from being overheard, while allowing them to be seen.

Paragraph 7 (a) and (b)

56. The habeas corpus procedure is applied in accordance with the criminal procedural law of Uzbekistan. Pursuant to article 29 of the Code of Criminal Procedure, courts have the power to consider petitions, complaints and objections on matters related to the application of remand in custody or house arrest as a preventive measure or the extension of custody or house arrest, on condition that the court that ordered the preventive measures be informed; they also have the power to consider applications to remove accused persons from office, commit or extend the stay of accused persons in medical institutions, exhume bodies and intercept postal or telegraphic communications.

57. In implementation of the strategy of action in five priority areas for the development of Uzbekistan over the period 2017–2021, more than 50 pieces of legislation have been adopted to ensure the full independence and autonomy of the judiciary, improve the quality and transparency of justice and broaden the application of habeas corpus.

58. Pursuant to the Presidential Decree of 30 November 2017 on additional measures to strengthen guarantees of the rights and freedoms of citizens in forensic investigations, it is prohibited to introduce additional requirements that restrict the principle of open hearings in court other than in cases explicitly provided for by the Code of Criminal Procedure. The Decree provides that the statements of victims, witnesses, suspects, accused persons and defendants, expert findings, physical evidence, audio and video recordings and all other materials are inadmissible as evidence if they were obtained in violation of the rules set forth in procedural legislation.

59. To remedy a gap in legislation, it was made a criminal offence to falsify evidence through the submission of information known to be false or tampering with documents or objects, through coercion to make false statements or through misrepresentation of the facts of the case when such falsification results in an unlawful arrest, detention, prosecution or conviction. The penalties for perjury and false accusations have also been increased.

60. A number of additional safeguards on the rights and interests of persons involved in criminal proceedings have been introduced. If remand in custody as a preventive measure is

ordered in the absence of the arrested person, he or she may appeal against the remand in court within 72 hours of his or her transfer to the competent authority.

61. To facilitate the prompt and impartial investigation of allegations of torture, it is now compulsory for the procuratorial authorities or courts to follow up complaints of illegal evidence collection or recording methods. A medical evaluation must be ordered as part of this follow-up.

62. Mandatory video recording of the principal stages of legal proceedings was a major development for ensuring that the process of collecting and recording evidence is lawful and objective. These stages include the examination of crime scenes in the case of especially serious offences, searches, the checking of testimony at the scene of events and re-enactments.

63. Up to now, the defence has not been entitled to gather evidence, but only information that could be used as evidence, which violates the adversarial principle in court proceedings. The defence is now being granted the right to gather and present evidence, which will be included in the criminal case file.

64. An important role in the collection and recording of evidence by the procurator, who is required to verify compliance with the legal requirements on the prompt registration and processing of statements, reports and other information concerning criminal offences received from persons serving prison sentences, remanded in custody, arrested or subject to administrative detention. The procurator is also responsible for taking measures to prevent the exertion of physical or mental pressure on such persons or their family members and to prevent them from being misled about exoneration.

65. Proposals will be developed based on best practices from other countries to further improve legislation and methodology for the investigation and trial of criminal cases, increase the use of innovative forms and methods of forensic investigation and optimize and simplify the handling of criminal cases, including through the introduction of an electronic case management system

Paragraph 7 (c)

66. Article 245 of the Code of Criminal Procedure establishes that remand in custody or house arrest during the investigation of a criminal offence must not exceed 3 months. However, a court may extend this period:

- For up to 5 months upon request of a procurator of the Republic of Qoraqalpog'iston or a procurator of a province or Tashkent or a procurator of equivalent rank;
- For up to 7 months upon request of the Procurator General or a deputy procurator general;
- No further extensions are allowed.

Paragraph 7 (d)

67. The legislation of Uzbekistan provides for a short period of remand in custody compared to some other countries of the Commonwealth of Independent States. For example, the maximum period of remand in custody is 9 months in Azerbaijan, 12 months in Armenia, 18 months in Belarus and 18 months in the Russian Federation.

Paragraph 8 (a)

68. According to Ministry of Internal Affairs data, criminal proceedings were initiated in 146 cases of violence against women during the first half of 2019. Of these cases, 26 involved the infliction of serious bodily harm, 22 moderate bodily harm and 43 minor bodily harm; there was 1 instance of cruel treatment, 19 instances of rape, 18 instances of forcible gratification of depraved sexual urges, 6 instances of criminal mischief and 13 other offences. Following investigation, 133 criminal cases against 144 persons were referred to court.

69. In accordance with a presidential decision of 2 July 2018 on measures to improve the social rehabilitation and reintegration system and prevent family and domestic violence, regional rehabilitation and reintegration centres are being established, where victims of domestic violence receive psychological, legal and social support.

Paragraph 8 (b) and (c)

70. The Act on the Protection of Women from Harassment and Violence, adopted on 2 September 2019, sets out the main aims of public policy on the protection of women from harassment and violence and the powers of the competent authorities in this regard. It also criminalizes emotional and economic violence and harassment.

71. The Act goes beyond the concept of domestic violence and governs the protection of women from harassment and violence in the home, the workplace, educational establishments and other areas.

72. The new Act provides a clear definition of a number of concepts, including “harassment”, “violence”, “emotional violence”, “physical violence”, “sexual violence”, “economic violence”, “victim of harassment and violence” and “protection order”.

73. The Act also provides for behaviour change interventions for perpetrators and likely perpetrators of abuse; it is envisaged to develop and approve a targeted programme for this purpose.

74. It is planned to organize hotlines for victims of harassment and violence. Their modes of operation have been defined.

75. The idea of special rehabilitation centres has also been introduced and the mechanism for placing and accommodating victims of harassment and abuse in them has been specified.

Paragraph 8 (d)

76. To facilitate the rapid exchange of information with crime prevention officers, the Academy of the Office of the Procurator General has created Internet bots through the instant messaging platform Telegram for the local bodies known as mahallas in the Republic of Qoraqalpog’iston, Xorazm province and Chilonzor district in Tashkent. The bots are used to receive up-to-date information about recent and ongoing offences.

77. The Safe City technology programme has been developed, which also helps the population communicate instantly with the law enforcement authorities.

78. As part of its module on crime prevention, the Academy of the Office of the Procurator General provides information on techniques to prevent crimes and violence against women.

79. The Academy of the Office of the Procurator General organizes professional development training for law enforcement personnel and officials from other government agencies and organizations on cooperation in matters of crime prevention and combating criminality and corruption.

80. Since May 2018, more than 3,700 law enforcement officers have completed the Academy’s training, including 1,170 internal affairs officials and 1,565 staff members of the State Tax Committee.

81. To ensure psychological support for the work of the procuratorial authorities, professional psychological screening is carried out on candidates for employment. The emotional climate within the procuratorial agencies is monitored and recommendations for its improvement are produced.

Paragraph 8 (e) and (f)

82. An important aspect of the Act on the Protection of Women from Harassment and Violence is its provision for the issuance of restraining orders to women victims of harassment and violence. The Act sets out the rules for issuing such orders, their validity periods and the restrictions such an order may stipulate. The competent authorities and

organizations working in the field of protection from harassment and violence may establish special centres to provide victims of harassment and violence with economic, legal, social, psychological, medical and other assistance.

83. In cases of abuse and when victims or their legal representatives request accommodation, the appropriate authorities and organizations organize placement in special centres.

84. Victims of harassment and violence are placed in special centres, upon request, for up to 30 days. If necessary, this period may be extended in accordance with the regulations of the special centre. If the period of placement in a special centre ends and a renewed risk has arisen, the administration of the special centre is required to notify the law enforcement authorities.

85. The jobs of victims of harassment and violence are kept open for them during their stay in special centres. Time spent by a victim of harassment or violence in a special centre does not constitute grounds for expulsion from an educational establishment owing to missed classes.

86. To prevent repeated acts of violence and ensure the safety of victims, measures are taken to change the behaviour of persons with violent tendencies.

87. In the special centres, victims will be able to receive free legal assistance over helplines. They are entitled to a free legal consultation and to economic, social, psychological and other assistance. They have the right to apply to the internal affairs authorities for a protection order and to inform them if its conditions are breached. Victims of violence can seek compensation in court for material and moral harm caused by harassment and violence. If they do so, they are exempt from the payment of court fees.

88. Currently, 165 of 200 regional centres are up and running and have been used by more than 15,000 women and girls.

89. As at 2019, more than 1,712 women had been accommodated in rehabilitation and reintegration centres across the country, with 434 receiving psychological support, 303 medical care and 377 legal assistance, more than 271 job placement assistance, and approximately 99 help in obtaining credit and 487 families in achieving reconciliation.

90. A hotline with the number 1146 has been launched by the Women's Committee of Uzbekistan, on which women and girls in difficult situations who are in need of help can receive the appropriate psychological, legal and medical assistance, anonymously if required. It handles approximately 180–200 calls per day, with urgent measures being taken to solve the callers' problems.

Paragraph 9 (a), (b) and (c)

91. The Investigative Department and its regional branches have no criminal cases open involving violence against lesbian, gay, bisexual or transgender persons.

Paragraph 10 (a)

92. The requirement of article 7 of the Bar Act for lawyers to take refresher courses at least once every three years does not constitute recertification. Failure to fulfil the requirement does not lead to withdrawal of the lawyers' licences.

Paragraph 10 (b)

93. In accordance with the law, the Bar Chamber does not depend on the Ministry of Justice or any other government body. Nonetheless, pursuant to Presidential Decree No. UP-5441 of 12 May 2018 on measures to radically enhance the effectiveness of the legal profession and strengthen the independence of lawyers and to Act No. ZRU-497 of 11 October 2018, a number of additional measures have been taken to strengthen the independence and enhance the role of the legal profession in general and the Bar Chamber in particular.

Paragraph 10 (c)

94. In accordance with article 111 of the Constitution, the Supreme Judicial Council is the body of the judiciary responsible for helping to ensure that the constitutional principle of judicial independence in Uzbekistan is upheld.

95. To ensure true independence for judges, article 236 of the Criminal Code provides that it is a criminal offence to pervert the course of justice and to exert any kind of illegal influence on a judge for the purpose of achieving an unjust verdict, decision, ruling or order.

Article 11**Paragraph 11 (a), (b), (c) and (d)**

96. On 2 August 2019, a presidential decision to close down the Jasliq colony in Qoraqalpog'iston was adopted. Colony No. 19 in the town of Jasliq, Qo'ng'iro't district, was designed for 1,100 prisoners but currently holds 395 persons. Only 10 per cent of them were prosecuted for religious or extremist offences.

97. The colony was built in 1999 to detain criminal offenders sentenced to lengthy prison terms. The town itself is located 300 km from Nukus and 180 km from the town of Qo'ng'iro't. Prisoners' relatives found it hard to reach and climatic conditions in the region are tough.

98. The prisoners held in Jasliq will be transferred to other colonies to serve their sentences.

99. The buildings, facilities and property of the colony have been transferred to remand centre No. 2 of the Qoraqalpog'iston Ministry of Internal Affairs.

100. In 2016, three officials were prosecuted under article 235 of the Criminal Code.

Paragraph 11 (e)

101. Akram Yuldashev died on 29 December 2009 in penal colony No. 18 of the Central Penal Correction Department of the Ministry of Internal Affairs of Uzbekistan.

Paragraph 11 (f)

102. This information is confidential.

Paragraph 11 (g)

103. Following measures carried out in institutions of the penal correction system over the period 2017–2019, the number of prosecutions brought by the procuratorial authorities under article 221 of the Criminal Code has dropped. In 2018, only one criminal case was opened under article 221 and in 2019 there was not a single proceeding initiated under the article.

104. Furthermore, pursuant to Presidential Decision No. PP-3200 of 11 August 2017 on measures to overhaul the work of the internal affairs agencies relating to the enforcement of custodial sentences, it is planned to gradually introduce the following to the Central Penal Correction Department:

- An automated system for the calculation of disciplinary measures taken against prisoners, allowing only the procuratorial authorities to amend the records
- Up-to-date technological resources for the monitoring and supervision of convicted prisoners and persons remanded in custody
- A system for secure videoconferencing between the Central Penal Correction Department and its subdivisions and facilities, with the possibility of organizing remote video meetings for prisoners

105. The gradual introduction of the automated calculation of disciplinary measures against prisoners and up-to-date technological resources for monitoring their behaviour and

actions, above all in the probation divisions, is also included in the policy framework for improving the national penalties enforcement legislation for the period 2019–2021, approved by Presidential Decision No. PP-4006 of 7 November 2018.

106. Pursuant to this decision, an interdepartmental expert group on the improvement of penalties enforcement legislation was established jointly by the Office of the Procurator General, the Ministry of Internal Affairs, the Ministry of Justice and the Ministry for the Development of Information Technologies and Communications.

107. By 1 June 2020, it is planned to develop and put forward a new draft Penalties Enforcement Code, based on the consideration of best practices from abroad and incorporating lessons learned from implementation of the policy framework.

Paragraph 11 (h)

108. In 2017, the Oliy Majlis Commissioner for Human Rights (Ombudsman) Act was amended (by Act No. ZRU-441 of 29 August 2017) to stipulate that arrested persons, remand prisoners, persons subject to administrative detention and convicted prisoners are entitled to make an unlimited number of written complaints (letters and telegrams) to the Ombudsman.

109. Complaints addressed to the Ombudsman are not censored. The administrations of the correctional facilities, remand centres and special holding facilities forward the complaints of persons held in detention to the Ombudsman under seal and within 24 hours. Telegrams are sent immediately. Replies from the Ombudsman are not inspected and are promptly given to the complainant.

110. When considering complaints or investigating violations of the rights, freedoms and interests of citizens on its own initiative, the Office of the Ombudsman has unhindered access to penal institutions, remand centres and special holding facilities.

111. The administrations of such facilities are obliged to ensure the conditions necessary for the Ombudsman to hold unrestricted and confidential meetings and discussions with persons held in detention.

112. In 2018, 909 complaints were received from persons in detention, which was 1.6 times higher than in 2017 (in 2013, 116 complaints were received). In the same year, 30 oral complaints were made from detention facilities through the Ombudsman's direct telephone line.

113. The Ombudsman has set up post boxes in penal institutions, remand centres and special holding facilities, which are regularly checked by the Ombudsman's regional representatives and secretarial staff.

114. During the Ombudsman's visits, his or her regional representatives and secretarial staff in the relevant institutions ensure that all persons held in detention have the opportunity to speak with the Ombudsman in person.

115. In 2019, the Oliy Majlis Commissioner for Human Rights (Ombudsman) Act was amended (by Act No. ZRU-530 of 14 March 2019) to extend the Ombudsman's powers to protect the rights of persons in detention and to introduce a system of measures to prevent torture and other cruel, inhuman or degrading treatment or punishment (national preventive mechanism).

Articles 12–13

Paragraph 12 (a)

116. Allegations that E. Musaev, B. Eshkuziev, B. Ibragimov, D. Kabilov, R. Vafоеv, R. Farkhutdinov, G. Mekhliboev, R. Usmanov, V. Gunesh, Z. Umataliev, N. Kholzhigitov and Y. Yumaev were subjected to torture and ill-treatment are unfounded and were refuted by the evidence gathered during the criminal investigation. Forensic medical examinations of these persons revealed no signs that violence had been used against them.

Paragraph 12 (b)

117. The procuratorial authorities investigated 4 criminal cases under article 235 of the Criminal Code in 2013, 3 in 2014, 8 in 2015, 5 in 2016, 3 in 2017, 10 in 2018 and 3 in 2019.

Paragraph 12 (c)

118. On 25 February 2018, criminal proceedings were initiated under article 235 (2) and 301 (1) of the Criminal Code regarding the death of I. R. Ibodov. The criminal proceedings were initiated based on an internal investigation into officials working for the National Security Service department for Buxoro province.

119. As was established by the investigation, between 26 August and 9 September 2015, the National Security Service department staff members R.I. Azimov, A.I. Yusupov, I.I. Marupov, R.R. Radzhabov, U.B. Bobimuratov and A.B. Kamalov, having entered into a criminal conspiracy with the inmates A.A. Ivanov, U.A. Inagamov, Z.S. Safarov, R.B. Safarov and R.B. Dzhumaev, subjected the R.R. Ibodov, a remand prisoner held on administrative charges, and his brother I.R. Ibodov to especially brutal torture and cruel treatment, using a rope and other objects. R.R. Ibodov did not survive the blows, beatings, torture and physical cruelty inflicted and died on 13 September 2015.

120. The Buxoro province National Security Service officers R.I. Azimov, A.I. Yusupov, I.I. Marupov, R.R. Radzhabov, U.B. Bobimuratov and A.B. Kamalov and the inmates A.A. Ivanov, U.A. Inagamov, Z.S. Safarov, R.B. Safarov and R.B. Dzhumaev were charged with criminal offences under articles 235 (3) and 301 (3) (a) of the Criminal Code and the officers were remanded in custody as a preventive measure. On 27 March 2018, further charges were brought against them.

121. On 22 June 2018, the Military Court of Uzbekistan sentenced the former officers of the Buxoro province National Security Service R.I. Azimov, A.I. Yusupov, I.I. Marupov, R.R. Radzhabov, U.B. Bobimuratov and A.B. Kamalov and the inmates A.A. Ivanov, U.A. Inagamov, Z.S. and R.B. Safarov and R.B. Dzhumaev to terms of imprisonment of between 14 and 18 years.

Paragraph 13

122. Regarding the events that occurred in Andijon in 2005, on two occasions, from 11 to 16 December 2006, and from 1 to 4 April 2007, the European Union dispatched delegations to Uzbekistan. These delegations visited sites related to the tragic events, conducted face-to-face interviews with witnesses and reviewed the investigation materials and the court proceedings.

123. On 27 October 2009, the External Relations Council of the European Union adopted a decision to repeal all the restrictive measures adopted in respect of Uzbekistan in 2005 following the Andijon events.

Paragraph 14 (a), (b), (c) and (d)

124. In 2017, the Oliy Majlis Commissioner for Human Rights (Ombudsman) Act was amended (by Act No. ZRU-441 of 29 August 2017) to strengthen the independence of the Ombudsman and further empower him or her to protect the rights of persons in detention. For example, the Ombudsman was given the right to:

- Ask questions in the Constitutional Court, attend its hearings and express his or her opinions during them
- File claims and complaints on behalf of citizens in the courts without paying the official fee
- Submit ad hoc reports on various aspects of human rights and freedoms to the chambers of the Oliy Majlis and request that communications by representatives of State and government bodies be heard by its committees

- Petition the heads of government agencies and other organizations on the need to remedy identified violations of the law on human rights and freedoms, and to eliminate their causes and contributing circumstances
- Have unhindered access to detention facilities to monitor the conditions there, hold confidential meetings and discussions and collect unlimited quantities of uncensored complaints
- Strengthen the status of Ombudsman's regional representatives and introduce an annual reporting procedure on their work to protect human rights and freedoms to the Jokargi Kenes (parliament) of the Republic of Qoraqalpog'iston or the councils of people's deputies (*kengash*) in the provinces or the city of Tashkent, as appropriate

125. Persons in detention may lodge complaints with the Ombudsman without restriction. In 2018, 909 complaints were received from persons in detention, which was 1.6 times higher than in 2017.

Paragraph 15 (a) and (e)

126. In cooperation with the regional delegation of the International Committee of the Red Cross (ICRC), more than 240 visits were made to penal colonies and remand centres in Uzbekistan between 2001 and April 2012 (in April 2012, ICRC sent notification that the visits would cease, without giving a reason).

127. An effective monitoring system has been established for places of deprivation of liberty in Uzbekistan. As part of the practical implementation of the action strategy, the Oliy Majlis Commissioner for Human Rights (Ombudsman) Act was amended in 2019 (by Act No. ZRU-530 of 14 March 2019) to extend the Ombudsman's powers to protect the rights of persons in detention and to introduce a system of measures to prevent torture and other cruel, inhuman or degrading treatment or punishment (national preventive mechanism). When laws are being adopted, due consideration is given to the recommendations of organizations such as the Subcommittee on Prevention of Torture, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme (UNDP), the United Nations Children's Fund, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the international non-governmental organizations Penal Reform International, Amnesty International, Human Rights Watch and the Konrad Adenauer Foundation. This Act is fully compatible with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

128. The Ombudsman, senators and deputies of both chambers of parliament all carry out monitoring according to a schedule. This has resulted in the submission of a report on the outcome of public complaints about the use of physical and mental pressure during criminal investigations to both chambers of parliament (July 2018). At the initiative of the Ombudsman, on 27 June 2018, the Defence and Security Committee of the Senate of the Oliy Majlis was briefed by the Deputy Minister of Internal Affairs, A. Bobokhanov, on the implementation of the Convention by the internal affairs authorities. During the briefing, the Ombudsman informed the Senate Committee of instances of complaints with claims that internal affairs officials had exerted pressure on them and the outcomes of those complaints. Following the briefing, the Committee adopted Decision No. 07-77. This decision states that the measures taken by the law enforcement authorities to prevent torture and other cruel, inhuman or degrading treatment or punishment failed to meet the relevant requirements.

129. In June 2014 and 2015, the Central Penal Correction Department of the Ministry of Internal Affairs reached an agreement with Mr. Jacques Villette, head of the ICRC regional delegation for Central Asia, that cooperation must be developed in new directions on the basis of equal partnership.

130. On 20 March 2019, a meeting was held between representatives of the Central Penal Correction Department and Max Furrer, Protection Coordinator for the ICRC regional delegation for Central Asia, regarding renewed cooperation in the field of penal correction.

As agreed at this meeting, a further meeting was held on 12 June 2019 between the members of the Expert Group on the Improvement of Penalties Enforcement Legislation, Max Furrer and Zoia Khasia, ICRC Prison System Adviser.

131. In 2019 thus far, the Central Penal Correction Department has not received any information from ICRC regarding visits to institutions of the penal correction system.

132. To improve the situation of persons held in places of deprivation of liberty, continuous monitoring is carried out both by the penal correction system itself, as part of the Department's internal oversight of compliance with the law in its activities, and by other government agencies and non-governmental and non-profit organizations.

133. Independent monitoring of places of deprivation of liberty, in addition to procuratorial oversight, is conducted by the Human Rights Commissioner of the Oliy Majlis, the Presidential Commissioner for the Protection of the Rights and Lawful Interests of Business Entities and committees of the Legislative Chamber and Senate of the Oliy Majlis.

134. When investigating complaints from prisoners or on their own initiative, the Human Rights Commissioner of the Oliy Majlis and the Presidential Commissioner for the Protection of the Rights and Lawful Interests of Business Entities have unimpeded access to visit penal institutions.

Paragraph 15 (b)

135. In accordance with the recommendations of the Committee, the Human Rights Council and other international and regional human rights mechanisms, Uzbekistan is considering accession to the Optional Protocol to the Convention. To this end, research has been carried out and seminars and training courses organized for representatives of government agencies and civil society, with participation by members of the Subcommittee on Prevention of Torture and the University of Bristol.

Paragraph 15 (c)

136. A national preventive mechanism has been established using the "Ombudsman plus" model, under which the parliamentary Ombudsman will have greater legal status and powers, the National Centre for Human Rights has been granted the right to monitor places of deprivation of liberty and members of civil society institutions are involved in the monitoring of correctional facilities.

Paragraph 15 (d) and (f)

137. An effective monitoring system has been established in the places of deprivation of liberty of Uzbekistan. A schedule for the organization and conduct in 2018 of monitoring and analytical work to prevent torture and other cruel, inhuman or degrading treatment or punishment was approved on 28 December 2017 by the Senate, the Legislative Chamber and the Ombudsman, with a view to ensuring comprehensive judicial and extrajudicial protection of human rights and freedoms.

138. Over the reporting period, the Ombudsman together with the members of the Legislative Chamber and the Senate of the Oliy Majlis completed 47 monitoring visits to 31 penal institutions and 16 prison hospitals for chronic alcoholism. Under measures to improve the professional skills of internal affairs officials and the legal awareness of the general population, the Ombudsman, in cooperation with the Konrad Adenauer Fund and Penal Reform International, issued pamphlets of the Universal Declaration of Human Rights (500 copies) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (3,000 copies), in Uzbek and Russian. The libraries of the Ministry of Internal Affairs, penal institutions and remand centres were given 850 copies of the pamphlets.

139. The Ombudsman invites representatives of non-governmental and non-profit organizations to take part in monitoring, including the Women's Committee of Uzbekistan, the Youth Union, the Federation of Trade Unions, the mahallas (citizens' self-governing bodies), the Institute for Democracy and Human Rights and Human Rights Watch.

140. Joint monitoring with non-governmental organizations is also organized for social institutions that fall under the mandate of the national preventive mechanism. Such monitoring actions have been carried out in:

- Sixteen specialized prison hospitals for the compulsory treatment of chronic alcoholism and drug addiction (full national coverage of this type of facility)
- Four neuropsychiatric prison hospitals (Republic of Qoraqalpog'iston and Farg'ona, Adijon and Xorazm provinces)
- Six residential institutions for older persons living alone and requiring nursing care
- Twenty residential facilities for orphans and children deprived of parental care

Paragraph 15 (g)

141. Uzbekistan engages constructively with the special procedures of the Human Rights Council. At the invitation of the Government, the Special Rapporteur on freedom of religion and belief visited the country in 2017. In September 2019, a visit by the Special Rapporteur on the independence of judges and lawyers took place.

Article 14

Paragraph 16

142. To protect detainees, persons remanded in custody and persons serving sentences in the form of restriction of liberty or short-term rigorous detention, deprivation of liberty or administrative detention from possible unlawful acts against them, including torture by health workers, it is prohibited to use such persons as subjects for clinical testing, or the testing of medicines, food for special medical purposes, medical products or disinfectants.

143. Medical rehabilitation is undertaken in medical institutions and includes the integrated application of natural therapies, drug-based and non-drug-based treatments and other approaches.

144. The legal concept of rehabilitation is provided for by criminal procedural law. The law sets out the basis for the right to rehabilitation, the categories of persons entitled to rehabilitation, the procedure for providing compensation for material and moral damage, and restoration of other rights of rehabilitated persons.

145. In cases which do not fall under criminal procedural legislation, issues relating to redress are resolved in civil proceedings.

Article 16

Paragraph 18

146. On 10 May 2018, the Cabinet of Ministers adopted Decision No. 349 on additional measures for the elimination of forced labour in Uzbekistan. Pursuant to this decision, regional chief administrators (*hokims*) and managers of State and business entities are responsible for protecting people, including education, health and other public sector workers and students, from being drafted in to perform forced labour, public construction and other seasonal work.

147. In anticipation of the cotton-picking season, the Government adopted provisional regulations on the organization of the cotton harvest in 2018. The regulations clearly state that it is prohibited to force students and public sector workers to work on the cotton harvest. Volunteers, including temporarily unemployed persons and those wishing to earn extra wages in their free time, may take part in the cotton harvest if they so wish.

148. In Uzbekistan, since 2013, using the methodology of the International Labour Organization (ILO) and with the direct participation of its experts, monitoring has been conducted of the use of child and forced labour in agriculture. The monitoring carried out

by ILO and the World Bank from 2013 to 2018 did not lead to any findings of widespread use of child or forced labour during the cotton harvest.

149. A helpline of the State Legal Inspectorate of Labour of the Ministry of Labour and a web chat function on the Ministry's website have been in operation since September 2015. In addition to this, a website offering a feedback mechanism has been set up to raise awareness of the measures taken to uphold the labour rights and guarantees established by law, including those arising from ratified ILO conventions.

150. To prevent further incidents of forced labour, avoid systemic errors in the work of local government bodies and completely eliminate forced labour, feedback mechanisms have been introduced.

151. A special telephone helpline, 99 871 200 0601, has been put in place and statistics on forced labour, disaggregated by city and region, are collected over the channels of the instant messaging service Telegram @mehnathuquq_bot.

152. During the reporting period, a significant increase in complaints of forced labour and of measures taken against offenders has been observed. While in 2015 there were no direct complaints of this kind and only 15 complaints were lodged in 2016 and 2017, in 2018 the helpline received 2,138 complaints from the public. The State labour inspectors followed up all the complaints with on-site visits.

153. Persons in breach of the labour legislation were subject to administrative sanctions in 184 cases involving communications on the use of forced labour. Directives to remedy breaches of legislation concerning labour and labour protection matters subject to government monitoring and supervision were issued to 250 organizations, and more than 50 recommendations and warnings were sent to the directors of parent organizations.

154. More than 100 leaders of sectors involved in comprehensive socioeconomic development (regional and city chief administrators and heads of the local offices of procurators, internal affairs and the tax service) were subject to disciplinary measures, of whom 30 were dismissed from their posts.

155. Specific actions for cooperation with Human Rights Watch have been developed in cooperation with a delegation from that organization. Meetings are held on a regular basis with national human rights activists such as Shukhrat Ganiev, Elena Urlaeva, Malokhat Eshonkulova, Uktam Pardaev and Khaitboy Yakubov.

156. All collective agreements include mention of employers' obligations to comply with the provisions of ratified ILO conventions on child and forced labour. Currently, the Federation of Trade Unions of Uzbekistan, in cooperation with ILO and the World Bank, is implementing a package of measures to completely eliminate child and forced labour.

157. Every year, the Federation of Trade Unions communicates with the national population about the prohibition of child and force labour and runs a public awareness campaign about the unacceptability of using child and forced labour for the cotton harvest.

158. During the national monitoring activities conducted in 2018, 33 children under the age of 18 were discovered in the cotton fields, including 21 children directly picking cotton; 39 cases of the recruitment of workers from government agencies, enterprises and health-care facilities were identified, involving in total more than 1,851 workers (including 309 students), 81 workers from business entities were found to be participating in the cotton harvest.

159. After intervention by the Federation of Trade Unions, 96 employees of the State-owned Tashkent thermal power plant, who had been working on the cotton harvest, were brought back to their usual place of employment; 22 cases were identified of late payment for the collected harvest or of miscellaneous deductions from the wages of the pickers; in 92 cases, it was found that no employment contract had been drawn up between the picking teams and the farmers; and 81 farms were discovered to have inadequate working and rest conditions for the pickers.

160. Measures were taken in response to all the negative incidents identified. These included issuing violation notices to employers and referrals to the labour inspectorate and the helplines.

161. Further to the monitoring campaign, a list was drawn up of 14 ministries, departments and enterprises where risks of forced labour had been identified, for follow-up measures to be taken by the trade unions.

162. The measures taken to raise awareness and reinforce trust in ILO resulted in a growth in complaints during the cotton-picking season.

163. From September to November 2018, 2,092 complaints were received through ILO channels (13.9 per cent of the 9,749 complaints received since January 2018). Of these complaints, 759 originating from non-trade union members were accepted and examined.

164. During the 2018 cotton-picking season (September to November), 557 communications directly related to the cotton-picking process were filed. This type of communication is primarily sent for clarification purposes and most cases were resolved satisfactorily. Redress was provided to 149 persons, through the recovery of wages and similar payments of a total value of 226,861,000 sum.

165. During the 2017 and 2018 cotton-picking seasons, human rights defenders lodged 53 communications about violations involving forced labour. They were investigated promptly through on-site inspections and all the shortcomings identified were addressed.

Article 1

Paragraph 19 (a)

166. By an Act of 4 April 2018 amending a number of legislative acts of Uzbekistan in connection with the measures taken to strengthen the guarantees of the rights and freedoms of citizens during forensic investigations, article 235 of the Criminal Code on the use of torture and other cruel, inhuman or degrading treatment or punishment has been brought into line with the Committee's recommendations.

Paragraph 19 (b)

167. There are no limitations on the applicability of amnesty acts to persons convicted under article 235 of the Criminal Code.

Paragraph 19 (c)

168. Since 2017, approximately 4,000 persons have been pardoned pursuant to presidential decrees on pardons (one decree in 2017, three in 2018 and two in 2019). No persons convicted under article 235 of the Criminal Code have been pardoned under such acts.

Paragraph 19 (d)

169. The period of limitation is calculated from the date on which the crime is committed, up until the moment when the sentence handed down by the court becomes enforceable.

170. The period of limitation is suspended if a person who has committed and is charged with a crime absconds during the investigation or trial. The period of limitation is reset from the moment the person is arrested or surrenders to the police.

171. The period of limitation is interrupted if a person who has committed a serious or especially serious offence commits a new intentional offence before the end of the period stipulated in the Criminal Code. In such cases, the calculation of the period begins again from the day on which the new offence was committed. In other cases, if the person commits a new offence before the end of the term of limitation, the periods are calculated independently for each offence.

172. A person cannot be prosecuted more than 10 years after committing a minor or less serious offence, or more than 25 years after committing a serious or especially serious offence.

173. It is left to the discretion of the court to decide whether a statute of limitations should apply to a person who has committed an offence that can carry a life sentence under an article of the special section of the Criminal Code. If the court rules that it is not possible to apply the limitation, then a custodial sentence other than life imprisonment is imposed.

174. The limitations periods stipulated in the Criminal Code do not apply to persons who have committed offences under articles 150–157, 158 (1), 159 (3) and (4), 160, 161 and 244-2 of the Criminal Code.

Article 3

Paragraph 20 (a)

175. Regulations on the procedure for granting political asylum were approved by a Presidential Decree of 29 May 2017. Paragraph 3 provides that persons granted political asylum in Uzbekistan and members of their families enjoy the rights and freedoms and carry the obligations prescribed by national law or international treaties concluded by Uzbekistan for foreign nationals and stateless persons with permanent residency in Uzbekistan.

176. Persons granted political asylum in Uzbekistan and members of their families are issued, through the local internal affairs offices to which they have applied, with a certificate granting political asylum to a foreign national or stateless person from the Ministry of Internal Affairs. Based on this certificate, the local internal affairs offices provide the person with a five-year residency permit.

177. As stated in paragraph 62 (d) of the national action plan on implementation of the recommendations of the Committee on the Rights of the Child following the review of the fifth periodic report of Uzbekistan on implementation of the Convention on the Rights of the Child, proposals will be formulated as to whether Uzbekistan should accede to the Convention relating to the Status of Refugees and its Protocol.

Paragraph 20 (b)

178. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), 14 refugees are currently residing in Uzbekistan.

179. The UNHCR office in Tashkent closed on 17 April 2006 on completion of its mission, transferring its functions to the UNDP country office. The UNDP office passed on information on persons with mandate refugee status who were previously registered with UNHCR and appeared on the official UNDP list to the Ministry of Internal Affairs so that it might consider their possible residency in Uzbekistan.

180. Sustained efforts are undertaken to develop cooperation with UNHCR. For example:

- On 23 January 2019 and 21 February 2019, Ms. Yasuko Oda, the UNHCR Regional Representative for Central Asia, visited Uzbekistan to discuss the development of bilateral cooperation.
- From 15 to 19 April 2019, a UNHCR delegation visited to find out about the measures undertaken in the country to reduce statelessness and to discuss the potential expert and technical assistance it could provide on that subject.

181. In 2018, a delegation from Uzbekistan attended the regional conference on the theme “No one should be forgotten at birth” (7–8 June, Almaty) and a working meeting on migration in Central Asia (27–28 September 2018, Bishkek).

Paragraph 20 (c)

182. In fulfilment of its obligations under the Convention and other international human rights instruments, and in accordance with article 601 of the Code of Criminal Procedure,

Uzbekistan does not expel, return or extradite any person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or other ill-treatment or at risk of becoming a victim of enforced disappearance (following measures taken to determine that such grounds exist).

Paragraph 21

183. In fulfilment of its obligations under the Convention and other international human rights instruments and in accordance with article 601 of the Code of Criminal Procedure, Uzbekistan does not expel, return or extradite any person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or other ill-treatment or at risk of becoming a victim of enforced disappearance (following measures taken to determine that such grounds exist).

Paragraph 22

184. No asylum applications were lodged during the period under review.

Paragraph 23

185. Based on international treaties to which Uzbekistan is a party, and within his or her mandate, the Procurator General may decide to extradite foreign nationals for prosecution, to transfer convicted persons to serve the remainder of their sentence or to issue a request for the extradition of an Uzbek citizen who committed a crime in Uzbekistan and has fled abroad to escape prosecution. In making decisions on the extradition of foreign nationals from Uzbekistan for the purpose of criminal prosecution or the enforcement of a court judgment, the Procurator General is guided by the provisions of national legislation and international treaties that require the requesting State to provide the following guarantees:

- Persons are liable to criminal prosecution only for the crimes for which they have been extradited and, when the judicial proceedings have ended and the sentence has been served, they are to be free to leave the territory of the State concerned.
- Persons may not be subjected to violence, torture or other ill-treatment or the death penalty; they may not be expelled, transferred or extradited to a third country without the consent of Uzbekistan.
- Criminal prosecution may not be based on any political motives or be discriminatory on the grounds of sex, ethnicity, race, religion, social background, personal situation or status in the community.

186. Any extradition requests made by the Procurator General for Uzbek citizens accused of committing offences in the country and fleeing abroad to escape prosecution are based on objective evidence that such persons have committed the criminal acts of which they are accused.

187. When requests are made to extradite accused persons to Uzbekistan, similar guarantees are provided to the requested States, including guarantees of the right of defence and of access by the consular officers of the extraditing States to the extradited persons in remand centres or penal institutions.

Article 10

Paragraph 24 (a) and (b)

188. The Academy of the Ministry of Internal Affairs regularly provides training on the following topics: substance and meaning of the Convention against Torture; responsibility for torture in international law; classification of torture-related crimes; and responsibility for torture; practices at home and abroad.

189. There are regular media campaigns about responsibility for torture-related offences.

190. In the training programmes of the Academy of the Office of Procurator General, special attention is devoted to respect for human rights as a core objective for both the procuratorial authorities and the law enforcement system as a whole.

Paragraph 24 (c)

191. In the first half of 2019, the programme of management retraining and professional development courses for procuratorial staff included modules on subjects such as international standards, national legislation and the institutional framework for ensuring gender equity and upholding women's political, labour and other rights and carrying out procuratorial oversight of respect for women's rights and gender equality.

192. Professional development courses for procuratorial officials included exercises to raise trainees' awareness about the effective realization by the procuratorial authorities of the goals of preventing crime and criminality among women, protecting the rights and interests of minors, including girls, and avoiding child neglect and juvenile delinquency. The training materials also covered the fight against trafficking in persons and the prevention and campaign against gender-based violence.

193. With a view to identifying victims of gender-based violence, domestic violence and trafficking in persons and their particular needs, the Academy of the Ministry of Internal Affairs is carrying out research to identify challenges related to the improvement of legal mechanisms for the involvement of internal affairs agencies in efforts to protect women's rights, legal and forensic aspects of the fight against trafficking in persons and the improvement of work by the internal affairs agencies to prevent domestic violence-related offences.

194. New topics have been added to the training programmes of the Professional Development Centre for Legal Professionals, Lawyers and Notaries, which include human rights, the substance and significance of the Convention against Torture and international and national agreements on the fight against trafficking in persons.

195. Since March 2019, the training and retraining of judges has been carried out by the Higher School of the Judiciary of the Supreme Judicial Council.

196. In 2017, 48 criminal court judges completed the course, along with 106 candidates for judges of district or city criminal courts and presiding and deputy presiding judges for criminal cases. In 2018, the figures were 14 criminal judges and 29 candidates for judges of district or city criminal courts and presiding and deputy presiding judges for criminal cases.

Articles 5–9

Paragraph 25

197. Under a law passed on 4 April 2018, article 235 (Torture and other cruel, inhuman or degrading treatment or punishment) of the Criminal Code was brought into line with the requirements of the Convention.

198. On 30 November 2017, the President of Uzbekistan adopted a decree on additional measures to strengthen guarantees of the rights and freedoms of citizens in forensic investigations. Among the aims of adopting it was to combat torture and unlawful investigations.

199. The decree makes clear the inadmissibility of information obtained through significant violations of procedural law or using illegal methods as evidence in criminal cases.

200. Foremost among such violations and prohibited methods are torture, psychological and physical pressure and cruel, inhuman or degrading treatment.

Paragraph 26

201. During the period under review, three international extradition agreements were concluded (with Afghanistan, the United Arab Emirates and Turkey). The agreements in

question contain provisions for the refusal of extradition in cases where there are grounds for believing that the person whose extradition is being requested would be subjected to cruel or inhuman treatment or other violations of fundamental human rights.

Paragraph 27

202. During the period under review, four international agreements on mutual legal assistance in criminal matters were concluded (with Afghanistan, the United Arab Emirates, Tajikistan and the Commonwealth of Independent States).

Paragraph 29

203. From 16 to 20 April 2018, the Office of the Procurator General ran a joint training course with the Federal Bureau of Investigation of the United States of America for procuratorial and internal affairs officials on the subject of post-blast investigations.

General information on measures and developments relating to the implementation of the Convention in the State party

204. President Mirziyoyev has continued to pursue democratic reform of the judicial and legal systems, including under the strategy of action in five priority areas for the development of Uzbekistan over the period 2017–2021. The priority areas for reform are the realization of constitutional principles such as the rule of law, equality before the law, humanity, justice, the presumption of innocence and respect for civil rights and freedoms in criminal investigations. In accordance with the Act amending a number of legislative acts of Uzbekistan in connection with the measures taken to strengthen the guarantees of the rights and freedoms of citizens during forensic investigations, the penalties for tampering with evidence were increased.

205. If it is discovered that evidence has been tampered with by persons whose duties include evidence gathering, i.e. investigators, procurators, judges and other persons involved in obtaining evidence, such persons are liable to up to 10 years' imprisonment.

206. It has also been made a criminal offence for agencies conducting investigations to prosecute persons not involved in a criminal offence or to misrepresent the facts so as to insult or defame a person. The legislature has strictly prohibited the use of evidence obtained using illegal methods.

207. Before 2017, the courts had acquitted only seven persons charged with criminal offences. In 2018, 867 persons were acquitted and rehabilitated and, in the first half of 2019, 333 persons. The relevant authorities have been informed about the inadmissibility of information obtained through significant violations of procedural law or using illegal methods as evidence in criminal cases.

208. To facilitate the prompt and impartial investigation of allegations of torture, it is now compulsory for the procuratorial authorities or courts to follow up complaints of illegal evidence gathering or recording methods. This follow-up must include a medical assessment.

209. Mandatory video recording of the principal stages of legal proceedings was a major development for ensuring that the process of collecting and recording evidence is lawful and objective. These stages include the examination of crime scenes in the case of especially serious offences, searches, the checking of testimony at the scene of events and re-enactments.

210. The adoption of these changes has resulted in a clear trend for judges to hand down fewer prison sentences. Only 24 per cent of all convicted persons are given custodial sentences

211. Article 95-1 has been added to the Code of Criminal Procedure, which has enshrined in law several rules on the inadmissibility of evidence that were already applied in practice. Evidence is then assessed on the basis of inner conviction, following the thorough, objective, full and comprehensive consideration of all the facts of the case. Each item of evidence must be assessed in terms of its relevance, admissibility and authenticity.

212. The legislature has drawn up a list of circumstances in which evidence is inadmissible. These are when the evidence is obtained:

- Through the use of torture and other cruel, inhuman or degrading treatment of participants in criminal proceedings or their relatives
- By means of falsification
- In violation of the right of defence of the suspect, accused person or defendant and the right to use the services of an interpreter
- As a result of the conduct of criminal proceedings by a person not empowered to do so
- From an unidentified source or from a source whose identity cannot be established in the course of the criminal proceedings
- From the testimony of victims, witnesses, suspects, accused persons and defendants during initial inquiries and pretrial investigations that has not been corroborated in court by all the available evidence

213. Accordingly, if the judge has the inner conviction that a person's guilt has been established by his or her own testimony, a guilty verdict may be pronounced.

214. In accordance with criminal procedural legislation, the rights and legitimate interests of citizens, enterprises, institutions and organizations must be protected during the collection, verification and assessment of evidence. During this process, it is prohibited by law to commit acts which endanger the lives and health of persons or which insult and defame them, or to extract statements through violence, threats, deception or other unlawful means.

215. The prohibition on conducting investigative activities between 10 p.m. and 6 a.m., except when necessary to prevent an imminent or ongoing offence, has also been established by law.

216. In accordance with the presidential decree of 12 May 2018 on measures to radically enhance the effectiveness of the legal profession and strengthen the independence of lawyers, any officials responsible for the late submission of information or the provision of false or misleading information in response to a lawyer's request are subject to administrative sanctions, upon a lawyer's direct application to the court.
