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Summary record of the 3690th meeting

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Chair: Mr. Fathalla

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant

Fifth periodic report of Uzbekistan (CCPR/C/UZB/5; CCPR/C/UZB/Q/5 and CCPR/C/UZB/RQ/5)

1. *At the invitation of the Chair, the delegation of Uzbekistan took places at the Committee table.*
2. **Mr. Saidov** (Uzbekistan), introducing the fifth periodic report of Uzbekistan (CCPR/C/UZB/5), said that some 50 organizations, including a number of non-governmental organizations (NGOs), had contributed to the preparation of the State party's periodic report. The report had been considered by the committees of the Oliy Majlis – the parliament of Uzbekistan – and approved by the parliament and the Ministry of Foreign Affairs. Fundamental changes had taken place in Uzbekistan in recent years in many areas, including human rights. Elections to the Oliy Majlis had been held in late 2019. For the first time in the history of Uzbekistan, foreign observers, including representatives of international organizations, had been invited to monitor the elections. The composition of the parliament had changed significantly: 32 per cent of the members of the Legislative Chamber and 25 per cent of the members of the Senate were women.
3. The Government had prepared a draft national strategy on human rights based on the recommendations made in the Vienna Declaration and Programme of Action. The draft strategy had been developed in line with United Nations standards and international best practice, and national consultations with representatives of civil society and human rights defenders had been held in February 2020 in Tashkent to discuss it. Representatives of a number of permanent missions and international organizations had also taken part in the consultations. The Government had acted on a number of the recommendations made by the Committee in its previous concluding observations (CCPR/C/UZB/CO/4), including the adoption of new laws intended to guarantee civil and political rights. For example, new legislation on citizenship had recently been adopted under which approximately 50,000 foreign nationals who had been residing in Uzbekistan since 1995 would qualify for Uzbek citizenship. In line with its commitment to fostering a genuinely independent judiciary, Uzbekistan had recently hosted a visit by the United Nations Special Rapporteur on the independence of judges and lawyers. In addition to the establishment of the Supreme Judicial Council, the State party had updated the legislation governing the Constitutional Court. The number of acquittals handed down by the courts had fallen sharply in recent years, which was an indicator of the growing independence of the judiciary. A law on the establishment of a national preventive mechanism in line with the “Ombudsman-Plus” model had been adopted.
4. A number of public help desks with direct access to the Office of the President had been set up in order to bring the Head of State closer to the people. The help desks had been contacted by more than 3.5 million people since their inauguration. The Government had strengthened its ties with civil society and with national and international human rights organizations, as well as with other international partners. Steps had been taken to expand the powers of the Parliamentary Ombudsman in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The positions of Business Ombudsman and Children's Ombudsman had been established. Moreover, a national commission to combat human trafficking and forced labour and a national commission on gender equality had been set up. In 2019, the Oliy Majlis had adopted two major laws on gender equality and domestic violence. New legislation on the social partnership and oversight had been adopted, and work had begun on a new legal code that would govern the activities of non-profit and non-governmental organizations. Work was also under way on new legislation concerning the media. In 2019, the Government had adopted a plan to enhance the legal culture of the general public and a programme of action for the implementation of the United Nations Declaration on Human Rights Education and Training. All educational establishments offered special courses on human rights, the rights of the child and the rights of women. Efforts had been made to increase awareness of international human rights standards among civil servants.
5. Uzbekistan had recently been visited by the United Nations Special Rapporteur on freedom of religion or belief, and the Government had adopted a road map for taking action

on his recommendations in June 2019. In 2018, Uzbekistan had hosted the Samarkand Forum on Human Rights – the first of its kind – as part of the effort being made to establish a regional system for the protection of human rights in Asia. Moreover, in collaboration with the Office of the United Nations High Commissioner for Human Rights, the Government had established a plan of action for putting into effect the recommendations made by the former United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, during a recent visit. In support of its candidature for membership in the Human Rights Council for the 2021–2023 term, the State party had prepared a document setting out a number of voluntary pledges and commitments in line with General Assembly resolution 60/251.

6. Despite the progress made, a number of challenges remained. Interaction between State authorities and civil society in the area of human rights should be stepped up. There was a pressing need to improve in-service training for civil servants on the international human rights commitments of Uzbekistan. The Oliy Majlis had already adopted a road map to facilitate the assessment of compliance by the Government with its human rights commitments, as there were currently no independent mechanisms for assessing the action taken pursuant to recommendations from international human rights bodies or for ensuring compliance with international human rights standards and treaties by the courts.

7. **Mr. Ben Achour** said that, although advances had certainly been made in the area of human rights in the State party, a number of problems remained. In the light of evidence of non-compliance with the Committee’s Views owing to the prioritization of domestic law over international commitments — despite the fact that the Constitution of Uzbekistan recognized the primacy of international law over national law — he would be grateful if the delegation could clarify the State party’s position on the implementation of the Views of the treaty bodies, with particular regard to the cases of *Ismailov v. Uzbekistan*, *Musaeva v. Uzbekistan and Sabirova* and *Sabirov v. Uzbekistan*. Information on any plans to revisit that position would also be most welcome.

8. He would appreciate further information on the legal nature of the steps taken to expand the powers of the Parliamentary Ombudsman. It would also be useful to know whether the funds allocated to the Office of the Ombudsman were sufficient to ensure that it could do its work properly. Additional information on the process involved in the accreditation of the Ombudsman by the Global Alliance of National Human Rights Institutions would also be welcome.

9. With regard to places of detention, he wondered whether the State party could clarify whether NGOs and international organizations had been prevented from visiting places of detention. Specifically, he wished to know why the International Committee of the Red Cross (ICRC) had stopped visiting correctional institutions. Furthermore, he would like to know why an official list of places of detention had not been made available to the public or to NGOs. He would also appreciate the delegation’s comments on reports that forced labour was used in places of detention.

10. Detailed information on the contents of the recently adopted law on the establishment of a national preventive mechanism would be appreciated; he was particularly interested to learn whether NGOs could visit places of detention pursuant to the new law and whether any measures had been taken to apply the law in practice. Lastly, he was concerned by reports of deaths in custody and prison violence and would like to know how many complaints had been received in that connection and whether any investigations had been carried out into those complaints.

11. **Ms. Sancin** said that she wished to know what additional measures the State party planned to take in order to combat corruption, especially in view of reports that the public continued to feel that corruption was widespread in certain sectors. Information on the composition and mandate of the National Interdepartmental Anti-Corruption Commission would also be appreciated. She would be interested to know whether the results of the Commission’s work were made public and would be grateful for further information regarding the methodology employed by the public authorities in assessing the risk of corruption and in handling cases of corruption once they had been identified. It would also be useful to have further information on the results achieved under the “Corruption-free sector” project and to learn what the focus of the project would be as it was extended to other areas. She wished to know whether the State party planned to make all forms of corruption and bribery criminal offences and to introduce provisions on the potential criminal

responsibility of legal entities for corrupt practices as part of the ongoing review of the Criminal Code and the Code of Criminal Procedure. While she was pleased to learn that the Economic Crimes and Corruption Unit had been established within the Economic Crimes Department of the Office of the Procurator-General in May 2018, she wished to know whether the State party planned to set up specialized anti-corruption departments within law enforcement agencies themselves. Lastly, it would be useful to know whether the State party had considered prohibiting State security forces from taking part in anti-corruption activities.

12. **Ms. Pazartzis**, noting that Uzbekistan had not yet adopted a comprehensive law that prohibited discrimination on all the grounds listed in the Covenant and had merely taken note of the recommendation made to that effect during the third cycle of the universal periodic review, said that she wished to know what was preventing the State party from adopting such a law. It would be helpful to learn whether the Ombudsman was authorized to receive complaints of discrimination and what other effective judicial and administrative remedies were available to victims of discrimination. Information on the number of complaints of discrimination that had been lodged and on the investigations, prosecutions, convictions and sanctions relating to those complaints would be welcome.

13. She would like more information on the status and content of the bill on states of emergency, including clarification as to whether it would explicitly prohibit derogations from non-derogable provisions of the Covenant. She would like to invite the delegation to comment on the Committee's concern that the overly broad definition of extremism contained in the 2018 Act on Countering Extremism could lead to the infringement of freedoms enshrined in the Covenant and to provide further information on reports that extremism charges were being used to suppress forms of religious expression not sanctioned by the State. She wondered whether there had been any investigations, prosecutions or convictions under the terms of the 2018 Act and whether the State party planned to review the provisions of the Criminal Code that established sanctions for the offences covered by that law.

14. In the light of reports that suspects were sometimes detained without charge for longer than the statutory period of 48 hours, she would like to know how the regulations governing pretrial detention were applied in practice and whether there were any procedures whereby suspects could challenge the length or validity of their pretrial detention. The Committee remained concerned by reports that some human rights defenders who were serving prison terms had had their sentences repeatedly extended for violations of prison rules under article 221 of the Criminal Code. It was encouraging to learn that the number of prosecutions under that article had fallen in recent years; however, it was not clear from the information provided by the State party how many of those prosecutions had concerned human rights defenders or how many of them had led to a conviction. She would also like to know whether the prison rules in question were publicly available.

15. **Mr. Bulkan** said that he would appreciate more information on the nature and impact of the training and awareness-raising measures described in paragraphs 45 to 47 of the State party's replies to the list of issues. In particular, he wondered whether those activities covered issues relating to sexual orientation and gender identity and whether they were designed for law enforcement officers as well as legal professionals. He welcomed the news that the decriminalization of sexual acts between men was under discussion in expert groups as part of the process of revising the Criminal Code and would like to know whether those expert groups included members of civil society and how soon the process of revising the Criminal Code would be completed.

16. He would appreciate information on the numbers of persons prosecuted and convicted for offences motivated by homophobia and on any measures that would be taken to protect lesbian, gay, bisexual and transgender persons from violence, including systemic measures such as the adoption of hate crime legislation. He wondered whether there was an independent mechanism for the investigation of complaints of police brutality against lesbian, gay, bisexual and transgender persons and, if so, how many such complaints had been received and how they had been addressed. He would also like to know whether there were any laws or policies that protected such persons from discrimination and harassment in the field of employment.

17. Information would be appreciated on the steps taken to raise awareness among medical personnel of issues relating to sexual orientation and gender identity; to ensure equal

access to health care for lesbian, gay, bisexual and transgender persons; to amend the law on public health in order to explicitly prohibit discrimination on the basis of sexual orientation and gender identity; and to enforce existing medical confidentiality laws. He wondered what measures had been taken to protect lesbian, gay, bisexual and transgender persons' right to due process and the rights of transgender persons more generally, including their right to privacy. It would be helpful if the delegation could describe the procedure for the legal recognition of gender reassignment and comment on reports that a minimum of one month's hospitalization in a psychiatric clinic was required as part of that procedure.

18. He would like to hear more about the measures taken to ensure the effective implementation of the equal rights law adopted in September 2019, the impact of that legislation and the initiatives undertaken by the new commissioner for gender equality in public administration. He would welcome information on any measures taken to reduce the number of early marriages, to combat gender stereotypes that promoted early marriage and to provide education and employment opportunities for women who had married early. The number of prosecutions for rape appeared to have fallen between 2016 and 2018; he would like to invite the delegation to comment on that trend. He wished to reiterate the Committee's request for information on the steps taken to address the reported persistence of polygamy, despite its prohibition by law. He would also welcome statistics on the participation of women in public life, along with information on any steps taken to facilitate their participation and to address historic gender imbalances in the field of employment.

19. It would be helpful if the delegation could clarify whether domestic violence and marital rape were explicitly defined as criminal offences in the law that had been adopted in 2019 to protect women against harassment and violence and, if not, whether there were plans to do so in the future. He would like more information on measures taken to enforce that law and to monitor its impact and on any efforts undertaken to encourage women to report acts of violence. In view of reports that the State party was failing to protect women from violence and harassment, he would like the delegation to elaborate on the way in which domestic violence cases were handled and to provide statistics on the number of cases of domestic violence that had been registered and investigated by law enforcement officers since 2015. Lastly, the Committee had received reports that the policy aimed at reducing the divorce rate was directed at preserving families rather than protecting individuals from violent relationships; he would therefore like to know what measures were being taken to protect victims of domestic violence in the context of divorce proceedings.

20. **Ms. Kran** said that she would welcome more information on the status of the criminal proceedings brought against the perpetrators of the mass killings in Andijon in 2005. She would like to know whether any further investigations into those events had been conducted, what remedies had been provided to the victims and their families, and whether there were plans to publish a comprehensive and transparent report on the incident. It would also be helpful if the State party could explain how it ensured that the use of force by public authorities was consistent with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

21. She would like to know whether, as part of the revision of the Criminal Code, steps would be taken to ensure that the definition of a victim of torture covered all persons who had experienced torture and that the definition of a perpetrator of torture included all public officials and all private persons acting in an official capacity who had committed such an offence. She would appreciate information on the number of persons convicted of torture or ill-treatment who had received any form of amnesty since 2017, the status of the proposed amendment to prohibit amnesty for those convicted of torture, and any plans to include torture and ill-treatment on the list of offences for which there was no statute of limitations.

22. She wished to know what steps were being taken to prevent the torture and ill-treatment of detainees, to ensure that all allegations of that kind were investigated, to provide remedies for victims and to prevent reprisals against persons who reported such cases. The Committee had adopted Views on several individual communications in which it had recommended providing reparation to victims of torture; she would like to know when the State party planned to implement those Views.

23. She would like clarification as to whether the alleged torture of defendants in the case against the former Prosecutor General, Rashitjon Kadirov, had been investigated by any authority or agency other than the Office of the Prosecutor General, whose investigation had

been neither independent nor impartial. The Committee was also concerned about the alleged torture of witnesses detained in connection with that case and wished to know what steps would be taken to investigate those allegations and, if they proved to be valid, to hold the perpetrators accountable and to provide remedies to the victims.

24. She would like to hear what safeguards had been put in place to ensure that the Office of the Ombudsman was an independent, impartial and safe mechanism for reporting torture and ill-treatment in places of detention; how the State party would ensure that the Ombudsman's findings and recommendations were taken into account; how soon it would establish a special division within the Office of the Prosecutor General to conduct independent investigations into official misconduct, as recommended by the Committee against Torture; and how it planned to address the fact that there were very few prosecutions and convictions for acts of torture and that the penalties imposed in such cases were overly lenient.

25. She was keen to learn how the State party planned to put an end to the use of forced confessions as evidence, what progress had been made in identifying and reviewing all past convictions that might have been based on forced confessions and what remedies were available to persons who had been wrongly convicted on the basis of forced confessions. Lastly, she wished to know what safeguards were in place to prevent the penalties for perjury and false denunciation from being used arbitrarily to discourage people from reporting cases of torture and ill-treatment.

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

26. **Mr. Saidov** (Uzbekistan) said that his delegation was grateful to those Committee members who had highlighted the progress that his country had achieved, especially in the past three years. He welcomed the Committee's very specific questions but was concerned about the degree of duplication: some of the questions, notably those concerning the possibility of amnesty or pardon for persons convicted of torture, related not to the fundamental rights protected under the Covenant but to areas covered by other treaty bodies. He did not, in any case, agree with the Committee against Torture's view that no person convicted of torture should have the right to receive a pardon or amnesty: such a position would exclude even those who had been sentenced to death and would thus constitute a fundamental breach of the principle of justice.

27. He also wished to challenge the suggestion that Uzbekistan did not comply with its international obligations. He wondered whether, when making that statement, the Committee had in fact been referring to the recommendations made in its concluding observations, which were not, in his view, obligations, but simply recommendations. In any case, his Government paid a great deal of attention to those recommendations and endeavoured to act upon them to the extent possible.

28. He did, on the other hand, agree that the place of international law in the national legal system needed be clearly defined. It was for that purpose that the priority of the generally accepted norms of international law was recognized in the preamble of the Constitution. Furthermore, that principle was reflected in the country's 18 legal codes, the majority of which contained an article stating that, should any provision of the code run counter to international law, the latter took precedence. Nonetheless, the authorities were giving due consideration to the possibility of enshrining that principle in a specific article of the Constitution, as recommended by the United Nations Special Rapporteur on the independence of judges.

29. Uzbekistan had ratified more than 80 international instruments, and its judges and lawyers were therefore required to be familiar with a considerable body of law. However, the authorities were committed to organizing the training required to ensure that there were no lacunae in those officials' knowledge of international law.

30. In 1995, Uzbekistan had become the first State of the Commonwealth of Independent States and of Central Asia to establish an Ombudsman's Office. It had also been the first post-Soviet State to adopt a law regulating the Ombudsman's Office. Considerable substantive changes in that law had been made in recent years, often on the basis of the Committee's recommendations, and the Ombudsman's role and powers had thus been expanded and strengthened. For example, the Ombudsman now had the right to appeal to the Constitutional Court on behalf of complainants – although it had not yet availed itself of that

right – and also served as the country’s national preventive mechanism. In the latter capacity, whether alone or in conjunction with NGOs and human rights defenders, it was empowered to conduct independent visits to any prison in the country. To support the effectiveness of those visits, mailboxes for inmates’ complaints and comments that could be opened only by the Ombudsman had been placed in all detention facilities.

31. In order to ensure that it could effectively fulfil its duties, the Office had received substantially larger allocations of financial and human resources in recent years. An application for accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) had been submitted, and the Government hoped to learn what status the Ombudsman’s Office, as the country’s national human rights institution, had been granted by the end of March 2020.

32. There were in fact three Ombudsmen currently serving in Uzbekistan. A deputy ombudsman with specific responsibility for children’s affairs had been appointed to support the Parliamentary Ombudsman, who, along with the deputy, reported to the two chambers of parliament. There was also a Business Ombudsman who was responsible for defending entrepreneurial rights and who reported directly to the Office of the President.

33. **Mr. Lapasov** (Uzbekistan) said that all reforms undertaken in his country were designed to benefit the people of Uzbekistan. The Government’s first priority was to serve its people, but it always took the Committee’s recommendations into account. He wished to assure the Committee that representatives of the Ministry of Foreign Affairs, the Minister of the Interior and the Prosecution Service were engaged in a constructive, ongoing dialogue with ICRC that encompassed a broad spectrum of issues, including the possibility of the resumption of its prison visits. It was not clear why the visits had stopped, but no ban had been imposed by the Uzbek authorities. It would be better to ask ICRC to explain the reasons for its decision.

34. He would like to know what the source was of the reports that indicated there were thousands of individuals currently detained on politically motivated charges in Uzbekistan. In order to be able to respond appropriately, the delegation would need details, including names, of the thousand or more persons who were alleged to be political prisoners.

35. With regard to the reports of the use of forced labour in the country’s prisons, it should be noted that the International Labour Organization (ILO) conventions on forced labour did not prohibit the use of labour in prisons and that, while persons who were sent to prison had rights, they also had responsibilities. It was important to note that prisoners did not have the freedom to choose what activities they did or did not wish to engage in: freedom of that kind would undermine the aims of imprisonment.

36. **Mr. Saidov** (Uzbekistan) said that, although it had been reported that Uzbekistan had called a halt to the ICRC programme of prison visits, in fact it had been the leadership of ICRC that had decided to suspend its visits. In his view, the decision had been a politically motivated attempt to undermine Uzbekistan’s position in the run-up to its universal periodic review before the United Nations Human Rights Council. It was important to note that ICRC representatives had violated the principle of confidentiality of prison visits on several occasions and that, after that issue had been raised with its representatives, ICRC had appointed a lawyer. Since that time, all communications on the matter had been channelled through third parties, including treaty bodies. If ICRC could explain precisely why it had suspended its visiting programme, the Uzbek authorities would be able to respond.

37. At the same time, he wished to highlight the fact that prison visits were just one element of the ICRC programme of activities in Uzbekistan. ICRC continued to assist the Uzbek authorities in other areas, notably in promoting a greater familiarity with international humanitarian law within the defence forces and in academic circles. That assistance was highly appreciated, and it was regrettable that, in the context of the present periodic review, the focus was solely on prison visits.

38. **Mr. Tashpulatov** (Uzbekistan) said that, in the past 18 years, the country’s prison population had shrunk by over 50 per cent. Overcrowding was thus a thing of the past and the country’s prisons had one of the lowest occupancy rates in the world. All inmates received three hot meals a day, round-the-clock medical assistance was available in all detention centres and medical facilities were fitted with state-of-the-art equipment. Since 2014, inmates who had contracted tuberculosis had been transferred to a dedicated medical facility in

Buxoro Province where treatment was provided in line with World Health Organization (WHO) recommendations. The number of persons requiring treatment had fallen by between 30 and 40 per cent each year.

39. The Ombudsman's Office, diplomatic missions, missions of international organizations, media organizations and members of the public all had a role in the oversight of the prison system. Individuals could make complaints about any correctional facility via a confidential telephone hotline or via legal help desks created for that purpose, while prisoners could submit complaints in confidential mailboxes to which only the Parliamentary Ombudsman had access. All complaints were investigated and, in total, 162 prison officers had been disciplined and 15 had been dismissed. No violent deaths in prison had been recorded since 2017.

40. **Mr. Saidov** (Uzbekistan) said that, contrary to the reports referred to by the Committee, NGOs had not been banned from visiting the country's prisons and had in fact continued to do so, as had the national preventive mechanism. While, in the Soviet era, prisons had been one of the most closed parts of Uzbek society, the prison system was now open and transparent. The reduction in the prison population had been achieved by decriminalizing many former offences and reclassifying them as administrative infractions, introducing a reconciliation mechanism under which the court would not pursue a case if the parties were able to reach an agreement and making more extensive use of non-custodial measures, as a result of which over 200,000 people had been spared a prison sentence in the past 10 years. In addition, stronger community-based support for newly released persons, including assistance with finding work, had contributed to a sharp drop in the recidivism rate. As a result of those specific measures, and at a time when certain developed countries in Europe were struggling to accommodate their prison population, some facilities in Uzbekistan, including a facility for young offenders, had occupancy rates of less than 25 per cent. Those and other indicators attested to the success of the country's prison reforms.

41. **Ms. Ataniyazova** (Uzbekistan) said that, in a context where human rights were in the spotlight, increased rights and opportunities for women were a priority of State policy. In 2019, two new laws on women's rights had been adopted: a law on gender equality, entitled the Act on Guarantees of Equal Rights and Opportunities for Women and Men, and a law to protect women against all forms of harassment and intimidation at work, in education and in family relations, entitled the Act on the Protection of Women from Harassment and Violence. In the future, all legal texts would be examined to ensure that they reflected the principle of gender equality, and any imbalances or shortcomings in that respect would be rectified. In addition, the parliament had established a standing committee on gender equality, as noted earlier.

42. For the first time in the country's history, the Chairperson of the Senate was a woman, and several women now held prominent positions in the education sector. A female mayor had been elected in Buxoro Province for the first time. Women traditionally enjoyed a high status in the education and health-care sectors, and a legal framework for job creation and protection for women had been established. In a recent address to the Oliy Majlis, the President had identified women's employment and housing as priorities for 2020, and a plan had been drawn up to allocate free housing to 1,500 women from low-income households.

43. The Government was also taking steps to provide childcare, with the goal being to extend coverage to 65 per cent of children between the ages of 3 and 7 years. Uzbekistan now had 11,600 nurseries, the number having increased by 45 per cent in the previous two years. In the education system, Uzbekistan had 21 special schools for children with disabilities that were attended by over 20,000 students, while some 13,000 children with disabilities who were in need of long-term treatment received schooling at home. It was therefore clear that the law provided for the welfare of the neediest women and children, while the State worked with other actors, including NGOs, to ensure that the situation continued to improve. Members of the public were encouraged to draw attention to social problems so that the authorities could discuss and tackle them.

44. Following the establishment of the Gender Equality Commission and the adoption of the Act on the Protection of Women from Harassment and Violence in 2019, gender equality committees had been created in each *mahalla* (local community association) to provide specialized assistance for families affected by violence and to organize training courses and information workshops, among other functions. Working along the same lines, Ministry of

the Interior officials had held meetings with 46,000 families in 2019. The State wished to discourage couples with children from divorcing and sometimes recommended that estranged couples reunite in the best interests of the child. Nevertheless, the State also recognized the need to hold people to account for domestic violence, and restraining orders were issued in domestic violence cases; in addition, perpetrators were ordered to cover the cost of their victim's physical and psychological treatment. The State also ran shelters that provided rehabilitation services, and women could file complaints of domestic and other forms of violence with those shelters. The Act on the Protection of Women from Harassment and Violence covered all forms of violence against women, not only violence in the home.

45. In 2019, the President had declared the construction and higher education sectors to be free from corruption. Higher education establishments, in particular, had made determined efforts to combat corruption, including by evaluating and improving their recruitment processes and ensuring that entrance examinations were transparent, democratic and fair. Surveys on corruption had been conducted in institutions of higher learning, and the senior managers of the 10 establishments identified as being the most corrupt had been removed from office. Public scrutiny in education was ensured by the presence of oversight mechanisms – composed of parents, beneficiaries and other stakeholders – in all educational establishments.

46. **Mr. Saidov** (Uzbekistan) said that his Government had indeed identified corruption as a priority issue. The first law adopted by the new President had been the Anti-Corruption Act, which formed part of a national legal framework for combating the problem. Uzbekistan had ratified the United Nations Convention against Corruption and was working closely with the Organization for Economic Cooperation and Development (OECD) to address this issue. Both chambers of the Oliy Majlis had special committees that focused on combating corruption.

47. Women tended to enjoy a very high status in Uzbek society. The figures for women's representation in parliament had risen steeply in recent years and were even higher in other areas of government. Moreover, the Government and international partners were developing a strategy for achieving gender equality, and the draft of that strategy was under discussion. On the subject of marital rape, it should be noted that when a victim of rape was a close relative of the perpetrator, that was categorized in the Criminal Code as an aggravating circumstance.

48. While it was true that some countries had adopted a comprehensive anti-discrimination law, others, including Uzbekistan, had opted to incorporate the principle of non-discrimination into a number of different laws and regulations. In Uzbekistan, gender equality was enshrined in the Constitution, the Labour Code and other laws, and there was no need to adopt a separate anti-discrimination law.

49. **Mr. Ubaydullaev** (Uzbekistan) said that the events of 2005 in Andijon, in which 186 people had died, had been brought about by terrorist actions that had led to loss of life and caused significant damage to public and private property. Subsequent hearings had established the guilt of the persons accused of instigating those events. In 2007, the European Union delegation that had visited Andijon had interviewed all the witnesses, reviewed the investigation that had been conducted and concluded that a serious terrorist attack had taken place and that an international investigation was unnecessary.

50. Uzbekistan had no laws restricting the employment or health care of members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community. Although that lifestyle was not approved by Islam and was not in keeping with the Uzbek mindset, no radical measures had been taken against persons belonging to that community. The proposal to decriminalize same-sex relations by repealing article 120 of the Criminal Code had met with strong public opposition, and not only from Muslims. Given the specific religious and cultural context in Uzbekistan, the issue needed to be thoroughly discussed by civil society before any decision was taken.

51. **Ms. Sancin** said that she wished to know whether the State party planned to introduce corruption offences into the Criminal Code as part of its proposed reform and how far the reform process had advanced. She wondered why the public perception of corruption was increasing, despite the institutional and legislative efforts made to combat it, and what measures might be taken to counter that trend. Considering that the scarcity of information on prosecutions and convictions in corruption cases might be a contributing factor, she would

be interested to learn about the outcomes of the criminal proceedings brought against high-level officials accused of corruption.

52. **Mr. Bulkan** said that the Committee understood that the achievement of gender equality was a gradual process and that the State party had made some positive changes in that connection. Nevertheless, he was concerned that women remained severely underrepresented in the judiciary, in public administration as a whole, in local government and in senior positions in the private sector. He wished to invite the delegation to comment on that situation and to indicate whether the new Gender Equality Commission had launched any initiatives to boost women's representation in decision-making roles. While he took note of the measures taken to prevent violence against women, he was concerned that the Act on the Protection of Women from Harassment and Violence lacked both detailed provisions on accountability and on sanctions and robust enforcement mechanisms. Moreover, it appeared from the Committee's research that only 2 of the planned 165 specialized rehabilitation centres were operational. Therefore, he wished to know if the Government was working to set up crisis centres for victims of domestic violence in every region and, if so, what progress had been made towards that goal.

53. On the question of lesbian, gay, bisexual and transgender (LGBT) rights, he wished to point out that, regardless of any individual's or group's religious beliefs, the Covenant prohibited all forms of discrimination and that the delegation had publicly affirmed the State party's commitment to meeting its obligations under the Covenant and other human rights treaties. In that sense, it would be useful to know whether civil society was participating in the expert groups that had been set up to discuss the decriminalization of sexual acts between men. Lastly, given reports that members of the LGBT community had been the target of severe violence, including beatings and murders, as well as discrimination, harassment and extortion allegedly committed by law enforcement officials, he would like to know what measures the State party was taking to protect the LGBT community.

54. **Ms. Pazartzis** said that she was particularly interested to know how the Counter-Extremism Act of 2018 was being applied in practice, given that the Organization for Security and Cooperation in Europe had reviewed it and had voiced concerns about the vagueness of its legal definition of extremism. She would also appreciate an indication of whether the State party envisaged the amendment or repeal of article 221 of the Criminal Code.

55. **Mr. Ben Achour**, noting that the delegation had cited Islamic tradition in support of its stance on LGBT rights, said that, as a Muslim himself, he wished to know why Uzbekistan had decided to adhere to the most extreme views on the subject, which in fact were not shared by all Islamic countries. For example, the Court of Cassation in Tunisia – that country's highest court – had recently recognized the freedom of association of an LGBT organization that had been prosecuted by the Government, a ruling that made clear that LGBT rights were not contrary to the country's Constitution or laws, or against Islam. The difficulty in recognizing those rights should not be exaggerated: it was simply a case of allowing a minority to express itself, followed by the decriminalization of consensual same-sex relations between adults. The Committee was not asking the State party to allow same-sex marriage.

56. The Committee welcomed the delegation's statement regarding conditions of detention and the availability of medical care. However, given that national and international NGOs had provided information suggesting that conditions were unsanitary and the food poor, he wished to know whether any such organizations had conducted visits to prisons and subsequently published documents confirming that conditions were decent.

57. Lastly, regarding the legal force of the Committee's recommendations, he recalled that States regarded the advisory opinions of the International Court of Justice as expressions of the rule of law and normally chose to apply them. Similarly, the Committee's recommendations basically defined the rule of law within the framework of the Covenant. Therefore, if the Government of Uzbekistan was set on bringing its legislation into line with democratic and human rights standards, it ought to act upon those recommendations.

58. **Mr. Muhumuza** said that he did not believe that ICRC had a political agenda in relation to the State party; it was more likely that the organization had simply decided to adopt a cautious approach to ensure the safety of its staff. Regarding the question raised by the delegation concerning a duplication of work among various treaty bodies, he would like to point out that States were fully aware of the overlapping provisions of certain treaties when

they chose to become parties to them, and they certainly must have carefully considered the implications before entering into those commitments. Lastly, he observed that Governments were unlikely to be successful in granting some human rights while withholding others; citizens were likely to demand their rights in full.

The meeting rose at 6.05 p.m.