



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### **List of issues in relation to the fourth periodic report of Uzbekistan\***

##### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol and clarify the mandate of the existing Inter-Ministerial Committee in charge of cooperation with treaty bodies. Please also provide information: (a) on measures taken to ensure full compliance with each of the Committee's Views adopted in respect of the State party; (b) on avenues available to litigants, in law and in practice, to seek implementation of the Committee's Views, and (c) on instances where, upon the Committee's recommendation, an impartial, effective and thorough investigation into allegations of torture and ill-treatment was conducted, and criminal proceedings against those responsible were initiated.
2. Please provide information on measures taken to establish a national human rights institution fully compliant with the principles relating to the status of national institutions (the Paris Principles).

##### **Non-discrimination, equality between men and women, prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

3. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination in all spheres, including in the private sphere, prohibits direct, indirect and multiple discrimination, contains a comprehensive list of grounds for discrimination, including political or other opinion, national origin, colour, property, birth, sexual orientation and gender identity, and provides for effective administrative and judicial remedies. Please also indicate whether measures have been taken: (a) to prohibit organizations and propaganda activities, organized or otherwise, that promote and incite racial discrimination, and (b) to recognize racist motives as a general aggravating circumstance for all offences and crimes.

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\* Adopted by the Committee at its 112th session (7–31 October 2014).



4. Please report on measures taken to combat discrimination and prejudice against, and the marginalization of, Luli/Roma. With reference to the Committee's previous concluding observations (CCPR/C/UZB/CO/3, para. 22), please provide information on measures taken to de-criminalize consensual sexual relations between men and to address discrimination, harassment and violence against lesbian, gay, bisexual and transgender (LGBT) individuals.

5. Please clarify the status of the draft law on equal rights and opportunities for women and men. Please indicate the measures taken: (a) to enhance the representation of women in political and public life, including in the judiciary, the legislative and executive bodies, especially in decision-making positions; (b) to ensure equal access of women to higher education; (c) to address the persistent wage gap between men and women, and (d) to eradicate patriarchal attitudes and stereotypes regarding the roles, responsibilities and identity of women and men in the family and in the society at large. Please also report on measures taken to address forced and child marriages, as well as bride abduction, especially in rural areas, and to eliminate all forms of polygamy in law and in practice.

### **Violence against women, including domestic violence (arts. 2, 3, 7 and 26)**

6. With reference to the Committee's previous concluding observations (CCPR/C/UZB/CO/3, para. 13), please clarify whether legislation specifically criminalizing domestic violence and marital rape has been adopted. Please report on measures taken to prevent and combat all forms of violence against women, including domestic violence, on inter alia: (a) training of law enforcement officials, the judiciary, social workers and medical staff on relevant legislation and on how to detect and address cases of violence against women, including domestic violence; (b) encouraging reporting of such cases and ensuring effective protection of women from offenders, as well as comprehensive data collection; (c) the availability of adequate medical, social and legal services, and (d) the effective investigation, prosecution and sanctioning of perpetrators and remedies available to victims.

### **States of emergency, counter-terrorism measures (arts. 4, 7, 9, 10, 14 and 16)**

7. With reference to the Committee's previous concluding observations (CCPR/C/UZB/CO/3, para. 9), please report on the status and content of the draft State of Emergency Act and on the compliance of regulations on states of emergency with article 4 of the Covenant. Please also provide information on the implementation of the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 15) and on the legal safeguards for persons suspected of, or charged with a terrorist or related crime, including members or suspected members of banned Islamic movements and Islamist groups extradited to Uzbekistan from third countries, and on their enforcement in practice.

### **Right to life (art. 6)**

8. With reference to the Committee's previous concluding observations (CCPR/C/UZB/CO/3, para. 8), please report on measures taken to ensure an independent impartial, thorough and effective investigation into human rights violations committed during the events in Adijan in May 2005, and to prosecute those responsible, as well as information on the punishment of those already found guilty (including the 39 internal affairs officials and members of the military referred to by the State party in its follow-up report, CCPR/C/UZB/CO/3/Add.1, para. 7) and the remedies provided to victims and their

relatives. Please also respond to reports of ongoing persecution, harassment and intimidation of families remaining in Uzbekistan of Andijan survivors who stay abroad. Please report on measures taken to revise the regulations governing the use of firearms by the authorities in order to ensure their full compliance with the provisions of the Covenant and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials .

9. Please provide information on steps taken to investigate cases of death in custody and provide remedies to relatives, including in the cases of the death of Abdurahmon Sagdiev, Umid Akhmedov, Dilshod Iskhokov, Khusniddin Okkuziev and Samariddin Salokhiddinov.

### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)**

10. Please report on measures taken to implement the Committee's previous recommendation (CCPR/C/UZB/CO/3, para. 10). In this respect, please indicate specifically whether the definition of torture contained in the criminal legislation, including article 235 of the Criminal Code, has been amended with a view to ensuring that it covers acts of torture committed by all persons acting in their official capacity (and not only by those explicitly mentioned in article 235 of the Criminal Code), outside their official capacity or in a private capacity, including such acts committed at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity. Please also clarify how the practice of granting amnesties to persons convicted for torture or ill-treatment is compatible with the State party's obligation under article 7 of the Covenant.

11. Please report on measures taken to fully implement the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 11). Please respond to reports, according to which:

(a) Torture is routinely used, including as a means to elicit confessions, by law enforcement, security forces and prison personnel, or at their instigation or with their consent, against persons deprived of their liberty, from members or suspected members of banned Islamic movements, Islamist groups, opposition political parties and human rights defenders most at risk of such treatment, and authorities fail to thoroughly investigate such cases and bring perpetrators to justice;

(b) Forced confessions are in practice used as evidence in court, despite the existing legal prohibition;

(c) Persons complaining of torture are subject to reprisals, including further torture, rape or threats of rape and sexual violence, as well as intimidation of family members and threats to rape them should complaints not be retracted;

(d) There is no effective and fully independent mechanism charged with investigating promptly allegations of torture and ill-treatment;

(e) The rate of prosecution for torture and ill-treatment is very low;

(f) Legislation does not provide for an enforceable right to compensation for torture in civil proceedings which is independent of criminal prosecution and there is no system of rehabilitation specifically for victims of torture. Please also provide updated information, on an annual basis, on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated, the number of actual criminal convictions, concrete sentences imposed on perpetrators (including the number of

disciplinary sanctions) and the proportion of cases in which victims of torture and other forms of ill-treatment have received compensation, and on the nature and amount of the reparation received.

12. Please respond to reports that individuals suspected by the State party to have organized or participated in alleged violent acts on the territory of Uzbekistan, and who have returned to Uzbekistan from neighbouring countries following extradition requests, are held in incommunicado detention, face torture or other ill-treatment and unfair trials. Please also comment on allegations that the State party has engaged in the abduction of Uzbekistani nationals or ethnic Uzbeks wanted for extradition from neighbouring countries and Russia and Ukraine.

13. Please respond to reports of forced sterilization of women who have given birth to two or more children, particularly in rural regions, and provide information on measures taken to prevent and investigate all allegations of forced sterilization and provide effective remedies to victims.

14. Please indicate the measures taken to explicitly prohibit corporal punishment in the home and alternative care settings.

### **Elimination of slavery and servitude (art. 8)**

15. Please report on measures taken to: (a) improve methods of identifying victims of trafficking in persons and people vulnerable to trafficking; (b) ensure that no travel ban is imposed arbitrarily on repatriated victims of trafficking, and (c) improve the protection and assistance to identified victims of trafficking, and provide updated statistics on the number of cases of trafficking, the investigations and prosecutions initiated and actual criminal convictions, as well as the remedies awarded to victims. Please indicate the measures taken to eradicate forced labour of children and adults in hazardous working conditions in the cotton sector, and respond to reports that children (mostly those above the age of 16 years), students, public and private-sector workers, pensioners, mothers and other persons receiving public welfare benefits, continue to be involved in forced labour in the cotton sector under threat of penalties, including expulsion from school or university, dismissal from work or the loss of salary, pension and welfare benefits, as well as verbal and physical abuse.

### **Liberty and security of person (art. 9)**

16. With reference to the Committee's previous recommendation (CCPR/C/UZB/CO/3, para. 14), please clarify whether the State party has amended the existing 72-hour period of detention of persons suspected of having committed an offence before bringing them before a judge, as well as whether the legislation governing judicial control of detention (habeas corpus) is fully complied with throughout the country. Please report on measures taken to address the following issues: (a) the closed proceedings during habeas corpus hearings; (b) the alleged practice of forging the time or date of detention to avoid respecting the legal 72-hour period of detention, and (c) the alleged use of administrative charges to evade judicial review of detention. Please respond to reports that habeas corpus hearings sometimes occur without the presence of the detainee, especially in politically-motivated cases, that the right of detainees to a lawyer, including to a lawyer of their choice in habeas corpus hearings is not respected and that State-appointed defence lawyers do not provide effective legal representation during such proceedings. Please also provide information on non-custodial alternative measures to pretrial detention and their application in practice.

17. Please respond to reports that prisoners who have completed their sentences, especially those convicted of religious extremism, are not released and have their terms extended either on grounds of posing continuing danger to society or following new charges against them such as for violation of internal prison rules, as well as to reports that trials for such offences are held within the prisons often without access to lawyer.

18. Please provide information on measures taken to ensure in practice that persons deprived of their liberty are informed of their rights upon arrest, and that their rights to notify their detention to relatives and to have access to a lawyer and a doctor are respected from the very outset of detention.

### **Treatment of persons deprived of their liberty (art. 10)**

19. Please report on measures taken to improve conditions of detention, including in the Jasyk detention facility. Please respond to reports that certain categories of prisoners, such as human rights defenders, government critics and individuals convicted of membership in Islamist parties and groups or Islamic movements banned in Uzbekistan, have their rights restricted, such as the right to correspondence, to visits and to receive parcels, that they are frequently subjected to discriminatory treatment, to harsher conditions of detention in prisons and to abuse, including beatings by prison guards and other prisoners, detention in punishment cells made of concrete, with no heating, no natural light or ventilation and too small for a bed, to denial of access to adequate medical care and imposition of long and physically-demanding working hours.

20. Please clarify whether the State party has established a national independent mechanism mandated to regularly monitor and inspect all places of detention without prior notice. Please also report on steps taken to facilitate the return to the country and the full functioning of independent national and international human rights and humanitarian organizations, including the International Committee of the Red Cross (ICRC).

### **Freedom of movement and rights of aliens, including refugees and asylum seekers (arts. 12 and 13)**

21. With reference to the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 18), please report on measures taken to abolish the exit visa system and bring the compulsory residence registration system (*propiska*) in line with the Covenant. Please also clarify whether specific domestic legislation regulating refugee and asylum-related matters has been enacted and whether a refugee status determination procedure, providing *inter alia* for appeals, with suspensive effect, against removal decisions, has been established (CCPR/C/UZB/CO/3, para. 12).

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

22. Please report on measures taken to ensure the full independence and impartiality of the judiciary, including the security of tenure of judges, the role of the Executive and the criteria for the appointment, promotion, suspension and removal of judges. Please respond to concerns about the independence of the Chamber of Lawyers from the executive branch and the requirement that lawyers retake the bar exam and receive new licenses to practise every three years, and about reports that these requirements expose lawyers, in particular those working on politically-sensitive cases, to arbitrary disbarment.

**Right to privacy and family life (art. 17)**

23. Please provide information: (a) on legal safeguards in place against arbitrary interference with the privacy of individuals and their respect in practice; (b) on the role and involvement of *mahalla* committees in public surveillance and the compatibility of such activities with article 17 of the Covenant, and (c) on measures taken to ensure that any surveillance activities, including interception of phone and email communications, as well as access to personal data, comply with article 17 of the Covenant.

**Freedom of expression, peaceful assembly and freedom of association (arts. 19, 21 and 22)**

24. Please report on measures taken to implement the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 24). Please respond to reports that independent journalists, government critics, human rights defenders and other civil society activists continue to be harassed and subjected to surveillance, arbitrary arrests and detentions, torture and ill-treatment by law enforcement officers, and prosecutions on false charges such as fraud, tax evasion, drug dealing, defamation and religious extremism followed by convictions to long prison terms, in retaliation for their work. Please indicate what protective measures have been taken to prevent such violations and to bring perpetrators to justice. Please comment on reports that freedom of expression on controversial and politically-sensitive issues is severely restricted in practice, and websites providing such information are blocked and news agencies forbidden to function.

25. Please respond to reports of arbitrary restrictions on the right to peaceful assembly in law and in practice, including disruption of peaceful assemblies by law enforcement officers and detention and sanctioning of participants. Please provide information on existing regulations governing peaceful assemblies.

26. Please report on measures taken to implement the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 25). What measures have been taken to repeal unreasonable, burdensome and restrictive requirements for registration of political parties and public associations, including human rights NGOs, and to grant access to, and allow the operation of NGOs in the State party?

**Freedom of conscience and religious belief (arts. 2, 18 and 26)**

27. With reference to the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 19), please clarify whether the State party has repealed legal provisions prohibiting proselytism and other missionary activities. Please respond to reports that: (a) independent Muslims practising their faith outside State control or belonging to unregistered religious organizations continue to be unlawfully arrested, detained, tortured and ill-treated, and convicted on religious extremism related charges; (b) Christians and members of other minority religions conducting peaceful religious activities outside of State-sanctioned structures continue to face arrest for "illegal religious activity", detention, receive fines and prison sentences, and (c) religious materials are censored and restricted to use only inside buildings of registered religious groups. Please also provide information on the implementation of the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 26) on the recognition of the right of conscientious objection to military alternative service without discrimination.

**Right to participate in public life and rights of minorities (arts. 25 and 27)**

28. Please respond to concerns that, in practice, opposition political parties are denied registration and thus participation in elections. Please outline the measures taken to increase the political participation of persons belonging to ethnic minorities, including Karakalpaks, Tatars, Kyrgyz, Kazakhs, Tajiks and Russians, in public administration and the judiciary.

29. Please clarify whether the State party has adopted framework legislation for the protection of the rights of ethnic minorities. Please provide information on measures taken to promote and support education in minority languages, especially in Tajik, Kazakh and Turkmen languages. Please also report on the support given to the Karakalpak ethnic group to maintain their culture, language, livelihoods and traditional lifestyle.

**Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)**

30. Please provide information on the steps taken to disseminate information on the Covenant and the First Optional Protocol thereto, the fourth periodic report of the State party, and its forthcoming examination by the Committee. Please also provide information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations and national human rights institutions in the preparatory process for the report.

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