



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

Distr.: General
8 February 2024
English
Original: Russian
English, French, Russian and
Spanish only

Committee against Torture

**Sixth periodic report submitted by Uzbekistan
under article 19 of the Convention, due in 2023***

[Date received: 5 January 2024]

* The present document is being issued without formal editing.



I. Introduction

1. The Government of Uzbekistan has the honour to submit to the Committee against Torture its sixth periodic report under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Uzbekistan ratified the Convention on 31 August 1995. In 2020, the Government sent information on the implementation of some of the Committee's recommendations following its consideration of the fifth periodic report of Uzbekistan, which were made by the Committee in the concluding observations adopted in November 2019.
2. This report has been prepared in accordance with article 19 of the Convention.
3. The report contains information on progress made in the eradication of torture and other cruel, inhuman or degrading treatment or punishment since the fifth periodic report, in particular on the implementation of the recommendations adopted following consideration of the previous periodic report and on legislative, judicial and administrative measures to improve the situation in the area of the eradication of torture and ill-treatment.
4. The Committee, at its 1809th meeting (CAT/C/SR.1809), held on 28 November 2019, submitted 97 recommendations following its consideration of the fifth periodic report.
5. The National Centre for Human Rights disseminated the recommendations made after the consideration of the fifth periodic report to all stakeholders so that they could take the necessary legislative, policy and administrative action.
6. For the preparation of this report, questionnaires were drawn up and sent to 35 key State bodies. Consultative meetings were organized with stakeholders, including in the government sector, the courts, law enforcement agencies, national human rights institutions and civil society institutions. The report was considered at a meeting of the parliamentary commission on the observance of the international human rights obligations undertaken by Uzbekistan.
7. Uzbekistan has since 2017 embarked on a comprehensive and transparent reform process to strengthen the rule of law, respect for human rights and sustainable development. Uzbekistan was elected for the first time as a member of the Human Rights Council for the period 2021–2023, which gave a new impetus to the reforms implemented in the sphere of human rights and freedoms. The National Human Rights Strategy and the New Uzbekistan Development Strategy for 2022–2026 have been adopted.
8. The Uzbekistan 2030 Strategy was approved in September 2023. The document was developed based on the experience gained in the process of implementing the New Uzbekistan Development Strategy and on the outcome of public consultations. The implementation of the New Uzbekistan Development Strategy and the achievement of its targets have been declared a priority task for all government bodies and organizations in the country.
9. It is a source of pride for Uzbekistan that the country's national laws are aimed at protecting human rights. In accordance with the country's international obligations, it has adopted 19 codes and more than 700 legislative acts on human rights and fundamental freedoms.
10. Uzbekistan publicly condemns the use of torture. The President, in his statements at the forty-sixth session of the Human Rights Council on 22 February 2021, his address to the Oliy Majlis, the parliament of Uzbekistan, on 29 December 2020 and the report dedicated to the twenty-fifth anniversary of the adoption of the Constitution, emphasized the absolute inadmissibility of torture, psychological, physical pressure and other types of violence, along with the impossibility of avoiding liability for acts of torture.
11. In 2021, a presidential decision on additional measures to improve the system for detecting and preventing cases of torture was adopted to improve the mechanism for reviewing complaints of torture, to increase the involvement of civil society organizations in torture prevention and to inform the public about activities to detect and prevent torture.

12. It should be noted that the recommendations made by the Committee were also included in the road map for the implementation of the National Human Rights Strategy, which was adopted in June 2020.
13. Amendments were made to the Civil Code to improve the procedure for compensation of harm caused to victims of torture. This will make it possible to provide social, legal, psychological and medical assistance to victims of torture (29 March 2022).
14. Uzbekistan has established active cooperation with human rights entities of the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and the European Union. In particular, visits have been made by the Special Rapporteur on the promotion and protection of human rights while countering terrorism (2021), the OSCE High Commissioner on National Minorities (2022), the United Nations High Commissioner for Human Rights (2023), the European Union Special Representative for Human Rights (2023), the Director of the OSCE Office for Democratic Institutions and Human Rights (2023) and others.
15. Uzbekistan is carrying out extensive work to give concrete expression to the “In the name of honour and human dignity” principle and to implement international human rights standards in domestic legislation and law enforcement.
16. The new version of the Constitution is committed to the ideals of democracy and social justice, universal values and the universally recognized rules and principles of international law. The number of provisions on human rights guarantees has tripled. From now on, all ambiguities in the law are to be interpreted in favour of the individual.
17. The new version of the Constitution enshrines universally recognized institutions, including habeas corpus, the Miranda rules and pro bono services, and it guarantees the right to appeal before international organizations and national human rights institutions. Constitutional prohibitions against the death penalty and child and forced labour have been established.
18. The establishment of the post of Children’s Ombudsman in 2019 and the creation of a National Commission on Children’s Affairs and regional commissions on children’s affairs in 2021, along with the Public Council for the Protection of Children’s Rights, were important steps to further promote and protect children’s rights in Uzbekistan.
19. A National Commission on the Enhancement of the Role of Women in Society, Gender Equality and the Family has been established to increase women’s activity in all spheres of the country’s economic, political and social life.
20. Uzbekistan has also strengthened its mechanisms for the monitoring and implementation of its international human rights obligations. Special parliamentary commissions have been established to ensure compliance with international human rights obligations and to monitor the implementation of the national sustainable development goals and targets for the period up to 2030.
21. The country’s commitment to the protection of human rights permeates all areas of foreign policy and development cooperation. Uzbekistan firmly upholds human rights and fundamental freedoms in its multilateral relations, including within the framework of the United Nations.
22. Uzbekistan seeks to further promote cooperation with international human rights mechanisms through active interaction with the Human Rights Council. During the period of its membership of the Council, two resolutions were adopted on its initiative, entitled “Human rights implications of the COVID-19 pandemic on young people” and “Youth and human rights”.
23. In response to a joint appeal from the United Nations special mechanisms for the repatriation of women and children, under the leadership of President Shavkat Mirziyoyev, since 2019, Uzbekistan has implemented five Mehr (Mercy) humanitarian operations to return compatriots from armed conflict zones.
24. It has repatriated 531 people, mostly women (121) and children (379), from the Syrian Arab Republic, Iraq and Afghanistan. Between 2017 and 2020, 96 persons (23 men,

17 women and 56 children) were returned to Uzbekistan from Afghanistan. The International Committee of the Red Cross, the United Nations Children's Fund and partner countries provided significant support to the repatriation process.

25. The Government has taken comprehensive measures to rehabilitate and reintegrate returnees into society, prevent stigmatization, ensure access to educational and social programmes and employment and improve housing conditions. The country's model for the repatriation of compatriots, based on international law and principles of cooperation with international partners, can serve as a best practice for repatriation, ensuring the best interests of the child and the full reintegration of women returning from conflict zones.

II. Principal subjects of concern and recommendations in the concluding observations (CAT/C/UZB/CO/5)

Widespread, routine torture and ill-treatment

Recommendations in relation to paragraph 10 (a) and (c)–(e) of the concluding observations

26. In paragraph 31 of its previous concluding observations (CAT/C/UZB/CO/4), the Committee requested that Uzbekistan provide follow-up information on measures taken to implement its recommendations to eradicate widespread torture and ill-treatment (para. 7); eradicate harassment, arbitrary imprisonment and alleged torture of human rights defenders (para. 8); and ensure respect for fundamental legal safeguards against torture and ill-treatment (para. 13).

27. In connection with the consideration of the fifth periodic report in December 2020, Uzbekistan provided information on follow-up to the Committee's concluding observations (CAT/C/UZB/FCO/5), namely paragraphs 10 (a), 13 (c), 30 (a) and 44 (c).

28. In addition, in accordance with paragraph 19 of Decision No. 17 of 19 December 2003 of the Plenum of the Supreme Court, on the application by the courts of laws ensuring the right of suspects and accused persons to a defence, any report of torture or other unlawful methods of inquiry or investigation is thoroughly checked, including by means of a forensic medical examination, and the results are followed up with procedural and other legal measures, up to and including the initiation of criminal proceedings against officials.

29. The Act of 18 February 2021 amending the Criminal Code and the Code of Criminal Procedure was supplemented by chapter 49 (Preliminary hearings in criminal cases), which provides that, where there are grounds for excluding inadmissible evidence from a case, a preliminary hearing may be held at the request of one of the parties.

30. Under article 19 of the Code of Criminal Procedure, all criminal proceedings are conducted in open session, except when this may jeopardize the protection of State secrets and during the hearing of cases involving sexual offences.

31. At the initiative of the court or at the request of the participants in criminal proceedings, public court hearings of criminal cases may be conducted using audio and video recording, as well as videoconferencing.

32. Sound or video recordings, photography and filming in the courtroom are allowed only with the permission of the person presiding over the court session, in respect of which an appropriate ruling is issued.

33. Court sentences, decisions and orders are made public in all cases.

34. Court decisions that have entered into legal force must be published on the official website of the court, with the consent of the participants in criminal proceedings, or be anonymized, with the exception of court decisions on cases heard in closed session.

35. The Plenum of the Supreme Court adopted Decision No. 04 of 21 February 2020, on ensuring the openness of court proceedings and the right to receive information on the activities of the courts to ensure the openness of court proceedings, the implementation of

the right to receive information on the activities of the courts and the uniform application by the courts of legislation on this issue.

36. The Investigation Department of the Ministry of Internal Affairs and its regional subdivisions investigate criminal cases based on the aims and principles of the Criminal Code, which is based on the amended Constitution and the generally recognized rules of international law, namely the principles of legality, equality of citizens before the law, democratism, humanism, justice, culpability and accountability.

37. Under article 7 of the Forensics Act, when conducting a forensic examination, the forensic expert is to be independent of the body or official that requested the examination or the parties or other persons with an interest in the outcome of the case.

38. On 5 July 2021, Presidential Decree No. UP-6256 approved the policy framework for the development of forensic work for 2021–2025.

39. The main purpose of the framework is to meet the needs of the courts and the law enforcement agencies for professional forensic analysis, taking into account the requirements of international rules and standards, to improve forensic experts' work in a systemic manner, to form a stable and science-based forensic system, to strengthen the protection of the rights and legitimate interests of individuals and legal entities in court proceedings, and to ensure the impartiality and independence of forensic experts.

40. The protection of experts is guaranteed by the Act on the Protection of Victims, Witnesses and Other Participants in Criminal Proceedings.

Investigations and prosecution of acts of torture

Recommendations in relation to paragraph 13 (a)–(c) of the concluding observations

41. To ensure the timely prevention and suppression of violence, torture and unlawful conduct where detainees are concerned, over 4,330 video surveillance cameras have been installed in penal facilities, with 2,722 of those in correctional colonies, more than 1,266 in remand centres and 342 in open prisons.

42. More than 1,703 video surveillance cameras have been installed in temporary detention facilities, including cameras with a sound recording function in the rooms where investigative measures are carried out. All cameras are integrated into the duty stations of regional internal affairs agencies and the Situation Centre of the Ministry of Internal Affairs.

43. In all remand centres of the Ministry of Internal Affairs, 123 video surveillance cameras with sound recording have been installed in investigation rooms and all interrogations are recorded and added to the criminal case file, which precludes the possibility of any illegal action against participants in criminal proceedings.

44. In 2020, 15 persons were convicted by criminal courts under article 235 of the Criminal Code (Use of torture and other cruel, inhuman or degrading treatment or punishment). Of these, 2 persons (13 per cent) were sentenced to restriction of liberty and 13 (87 per cent) to deprivation of liberty.

45. In 2021, a total of 15 persons were convicted by criminal courts under article 235 of the Criminal Code. Of these, 3 persons (20 per cent) were sentenced to restriction of liberty, and 12 persons (80 per cent) to deprivation of liberty.

46. In the first eight months of 2023, a total of three persons were convicted by criminal courts under article 235 of the Criminal Code. Of these, two persons (67 per cent) were sentenced to restriction of liberty, and one person (33 per cent) to deprivation of liberty.

47. The sanctions under the first, second and third paragraphs of article 235 of the Criminal Code provide for the imposition of punishment in the form of deprivation of a certain right; therefore, the courts, when considering cases under article 235 of the Criminal Code, in addition to punishment in the form of restriction of liberty or deprivation of liberty, must impose punishment in the form of deprivation of the right to hold the relevant positions in State bodies.

48. See [CAT/C/UZB/FCO/5](#).

49. In addition, under paragraph 4 of the decision of the Plenum of the Supreme Court of 24 August 2018 on issues concerning the application of the rules of criminal procedural law on the admissibility of evidence, in the event of a complaint about the use of unlawful methods of collecting or preserving evidence, the person conducting the initial inquiry, the investigator, the procurator and the court must investigate the claimant's allegations by requesting an official check and forensic or other expert examination.

Sexual violence against individuals deprived of their liberty

Recommendations in relation to paragraph 15 of the concluding observations

50. All reports received of violations of the rights of convicted persons must be investigated without fail, following which, in order to assess the appropriateness of the action taken, all case files are sent to the procuratorial authorities; if the torture or other cruel, inhuman or degrading treatment of persons deprived of their liberty is detected, all perpetrators are punished, as provided for in article 235 of the Criminal Code.

51. In accordance with the amendments made to the Penalties Enforcement Code (ZRU No. 625 of 30 June 2020), measures aimed at ensuring the personal safety of convicted persons have been expanded.

52. In the event of threats to the personal safety of persons sentenced to deprivation of liberty, they have the right to appeal orally or in writing to any employee of the institution to ensure their personal safety. In urgent cases, convicted persons are immediately placed in a safe location.

53. In addition, in order to detect and prevent the use of torture, all persons remanded in the custody of the internal affairs authorities for investigation are examined for bodily injuries before departure and after arrival by the medical staff of the remand centre.

54. In order to ensure monitoring of compliance with legislation on the rights, freedoms and legitimate interests of persons deprived of their liberty, correctional colonies and remand centres have installed boxes in publicly accessible places for complaints addressed to the procurator and the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, which may be opened only by procuratorial staff, the Human Rights Commissioner and the Children's Rights Commissioner of the Oliy Majlis (Children's Ombudsman).

Torture, ill-treatment, arbitrary detention, intimidation and harassment of human rights defenders and journalists

Recommendations in relation to paragraph 18 (a)–(d) of the concluding observations

55. Article 234 of the Criminal Code provides that deliberate unlawful detention, i.e. short-term restriction of a person's freedom by an official of the body conducting a pre-investigation check, a person conducting an initial inquiry, an investigator or a procurator in the absence of legal grounds, is punishable by up to 1 year of deprivation of liberty, and deliberate unlawful arrest or remand in custody, by up to 3 years of deprivation of liberty.

56. "Enforced disappearance", on pain of criminal prosecution, is regulated by article 137 of the Criminal Code (Abduction) and is punishable by up to 15 years of deprivation of liberty.

57. In 2020, a law was adopted aimed at strengthening the protection of the rights and freedoms of citizens involved in criminal proceedings; in particular, under the law, as amended, the following are subject to mandatory video recording: the examination of crime scenes in the case of especially serious offences; searches; verification of testimony at the scene; re-enactments; detention; the waiver of counsel; and personal search and seizure when a person is detained.

58. The person conducting an initial inquiry, the investigator or the procurator, having applied a preventive measure in the form of detention, or the court, in the form of remand in

custody, must notify any of the detainee's family members or other relatives or close persons immediately (rather than within 24 hours, as was previously the case).

59. Under article 83 of the Code of Criminal Procedure, suspects, accused persons or defendants are considered innocent and are subject to rehabilitation if:

- (1) There is no event constituting an offence for which a criminal case, investigation or trial was opened;
- (2) There are no constituent elements of a crime in their actions;
- (3) They did not take part in committing an offence.

60. Under article 951 (1) of the Code of Criminal Procedure, 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, is inadmissible.

61. Overall, more than 10 laws have been adopted to strengthen the legal guarantees for freedom of expression and the effective operation of the mass media in the country, including the Act on Transparency in the Work of State and Government Bodies, the Mass Media Act, the Act on Guarantees and Freedom of Access to Information, the Act on Principles and Guarantees of Freedom of Information, the Protection of the Professional Activities Of Journalists Act, the Information Technology Act, and others. With support from the United Nations Educational, Scientific and Cultural Organization, a Code of Ethics has been developed for journalists.

62. There is no longer any criminal liability for libel or insults, and liability has been established for the dissemination of false information.

63. A public council has been set up in the parliament for the development of information technology and mass communications and the Committee on Information Policy and Transparency in the Activities of State Bodies has been established in the Senate of the Oliy Majlis.

64. Mechanisms have been established in support of the media: the time frames for media registration have been simplified and privileges and preferences and government subsidies, grants and public contracts have been established.

65. As at 1 January 2023, the number of registered media outlets was 2,110, of which 733 were Internet media outlets. Over 1,500 users have identified themselves as bloggers and are actively engaged in media activities.

66. From the foreign media, 65 journalists were accredited (including from the Voice of America, Eurasianet, the British Broadcasting Corporation, Reuters, *The Economist*, SkyNews and Agence France-Presse). Full access has been restored to the websites of foreign publications and human rights organizations (including the Voice of America, Eurasianet, the British Broadcasting Corporation, Deutsche Welle, Amnesty International, Human Rights Watch and Reporters Without Borders).

67. In 2022 the number of foreign television channels broadcasting in Uzbekistan increased from 50 to 122. There are plans to increase the number to 200 by 2024.

68. The country's ranking is improving in the World Press Freedom Index of Reporters Without Borders. In the 2022 Index, Uzbekistan ranked 133rd out of 180 countries, improving its position by 24 places in comparison with 2021.

69. The Government is taking measures to strengthen the role of the media and protect journalists. For example, it has established liability for unlawful interference and obstruction of media activities, including censorship by officials and the unlawful seizure of materials and equipment.

70. A draft information code has been developed and submitted for public discussion (<https://regulation.gov.uz/oz/d/72848>). The draft is being revised based on suggestions and comments from the public.

71. Article 22 of the Code of Criminal Procedure provides that the person conducting the initial inquiry, the investigator, the procurator and the court must ascertain whether an offence has occurred, who is guilty of committing it and all other relevant circumstances.

72. In addition, in accordance with established procedure, reports of the use of unlawful methods of collecting or preserving evidence must be investigated without fail and an expert medical examination must be conducted, in accordance with the procedure established by law.

73. The procedure for conducting forensic medical examinations is directly regulated by Instruction No. 2259 of 28 August 2011 of the Minister of Health on the procedure for conducting forensic medical examinations at forensic medicine establishments.

74. Moreover, forensic medical examinations are conducted based on the decision of an official of the body conducting the pretrial investigation, the person conducting the initial inquiry or the investigator, or a court decision (judge's ruling).

75. The expert examination of living persons is conducted at a forensic medicine institution to determine the nature and extent of bodily injuries, and age, sex and other issues requiring specialist knowledge of forensic science.

76. The examination at a forensic medical facility may also be conducted by an employee of another organization or another individual. The selection of such employees or individuals, their approval and the establishment of their procedures is carried out by the forensic medicine institution.

77. Other persons may not be involved in the expert examination without the approval of the body (person) that ordered it.

78. A forensic medical examination of sodomy is carried out on the written decision of the competent authority. The forensic medical report indicates only the possibility of sexual intercourse and does not include the word "sodomy".

79. The signs of previous sexual intercourse are set out in regulations (standards, rules for conducting forensic medical examinations and orders of the Minister of Health), in both Uzbekistan and other countries of the post-Soviet period. They are in no way contrary to World Health Organization regulations.

The events in Andijon in 2005

Recommendations in relation to paragraph 15 of the concluding observations

80. The events in Andijon on 12 and 13 May 2005 were connected with the perpetration of terrorist acts that resulted in loss of life. In response to these incidents, criminal proceedings were instituted and, on investigation, it was established that terrorist acts had been committed by members of Akromiya, a religious extremist organization.

81. 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.

Definition of torture

Recommendations in relation to paragraph 22 (a)–(c) and (e) of the concluding observations

82. Torture and other forms of violence are prohibited at the constitutional and legislative levels. Article 235 of the Criminal Code has been brought into line with article 1 of the Convention. Penalties for torture have been increased. Pardons may not be granted to persons who have committed torture.

83. Article 235 of the Criminal Code states that the use of torture and other cruel, inhuman or degrading treatment or punishment – i.e. unlawful mental, psychological, physical or other

pressure on persons subjected to administrative detention, and also on suspects, accused persons, defendants, convicted persons, witnesses, victims or other participants in criminal proceedings, or their close relatives, by means of threats, the infliction of blows, beatings, cruel treatment, the causing of suffering or other unlawful acts, committed by the officers of law enforcement or other government agencies or at their instigation or with their consent or, with their acquiescence, by other persons with the aim of obtaining from them or from third parties any information or a confession to an offence, their unauthorized punishment for a given act or coercing them to commit any acts – is punishable by restriction of liberty from 3 to 5 years or deprivation of liberty from 3 to 5 years, and deprivation of a specified right.

84. Article 235 covers all places where persons are deprived of their liberty.

85. The new version of the Criminal Code drafted by a working group provides for the inclusion of third persons and not solely those involved in criminal proceedings and their close relatives.

86. The international treaties to which Uzbekistan is a party, along with the universally recognized rules and principles of international law, form an integral part of the national legal system.

87. If an international treaty to which Uzbekistan is a party establishes rules other than those provided for by national law, the rules of the international treaty take precedence.

88. The rules of international law are applied through their implementation in national legislation, which the courts are bound to apply in their judgments.

Penalties for acts of torture

Recommendations in relation to paragraph 24 of the concluding observations

89. The draft revised Criminal Code contains provisions to ensure that both the crime of torture and the attempt to commit such a crime are punishable by appropriate penalties that take into account their grave nature, as set out in article 4 (2) of the Convention, regardless of whether there are aggravating circumstances. Consideration should be given to amending the Code with a view to increasing the length of sentences for acts of torture, which must be prosecuted under article 235 of the Code.

Amnesties and statute of limitations

Recommendations in relation to paragraph 26 of the concluding observations

90. Article 235 of the Criminal Code does not fall within the scope of article 57, since a prerequisite for the application of article 57 is the presence of mitigating circumstances, as specified in article 55 (a) (Confession of guilt, sincere repentance or active contribution to the detection of the offence) and (b) (Voluntary reparation for harm done).

91. Nor does article 235 fall within the scope of articles 66 and 71 of the Code, since a prerequisite for the application of articles 66 and 71 is the presence of a confession of guilt, sincere repentance, active contribution to the detection of the offence or reparation for harm done.

92. Article 235 does not fall within the scope of article 66, as article 66 contains an exclusive list of articles of the Code under which exemption from criminal responsibility is possible in connection with reconciliation, which does not include article 235.

93. To date, the latest amnesty law to be adopted in Uzbekistan is the decision of the Senate of the Oliy Majlis (No. PS-109-III of 12 October 2016) on the granting of amnesty on the occasion of the twenty-fifth anniversary of the adoption of the Constitution of the Republic of Uzbekistan. Thus, amnesty is not offered to persons who committed an offence under article 235 of the Criminal Code after 2016.

Pretrial detention

Recommendations in relation to paragraph 28 (a)–(d) of the concluding observations

94. Article 27 of the amended Constitution provides that no one may be arrested, detained, remanded in custody, held in custody or subjected to any other restriction of liberty except on the basis of the law. Arrest, detention and custody are allowed only by court order. A person may not be detained for more than 48 hours without a court order. When a person is detained, his or her rights and grounds for detention must be explained to him or her in a language he or she understands.

95. Pursuant to the Code of Criminal Procedure, the period of detention must not exceed 48 hours from the moment of actual detention of the person (the moment of actual restriction of his or her rights to freedom of movement), or, on presentation of necessary and sufficient grounds by the person conducting the initial inquiry or pretrial investigation or the procurator, the detention may be extended by a court decision for an additional 48 hours.

96. According to article 381 of the Code, the initial inquiry must be completed within a period not exceeding one month from the date of initiation of the criminal proceedings.

97. The period of an initial inquiry in a criminal case registered as a separate proceeding is calculated from the date of issuance of the relevant decision if the criminal case is separated for a new crime or in respect of a new person. In other cases, the period is calculated from the moment of initiation of the criminal case, from which it has been registered as a separate proceeding.

98. The initial inquiry is considered to have been completed on the date on which the indictment is lodged with the procurator together with a decision to refer the matter to the court for the application of compulsory medical measures or for the purposes of conciliation of the parties, or a recommendation on the submission to the court of an application for the dismissal of criminal proceedings under an act of amnesty or on the date on which the order to discontinue proceedings is handed down.

99. In accordance with article 62 of the Criminal Code, the court must count one day of detention, remand in custody or house arrest when imposing the sentence:

- (a) For one day of restriction of liberty, referral to a disciplinary unit, deprivation of liberty;
- (b) For three days of punitive work or restrictions on service;
- (c) For four hours of mandatory community service.

When imposing a fine on a person subject to detention, custody or house arrest, the court must count one day of detention, custody or house arrest for an amount equal to one half of a base calculation unit.

100. Under article 238 of the Code of Criminal Procedure, when deciding whether to apply a preventive measure, the person conducting the initial inquiry or pretrial investigation, the procurator or the court must take into account, in addition to the grounds provided for in article 236 of the Code, the gravity of the charges, the accused person's personality, occupation, age, state of health, family situation and other circumstances.

Fundamental legal safeguards

Recommendations in relation to paragraph 30 (a)–(c) of the concluding observations

101. See [CAT/C/UZB/FCO/5](#).

102. The follow-up information states that, under article 48 of the Code of Criminal Procedure, suspects have the right to know the offence of which they are suspected; to make a telephone call or to contact a lawyer or close relative to inform them of their detention and whereabouts; to have a defence counsel from the moment of actual detention or the actual completion of a police operation related to their detention at the scene of the crime, or the

announcement of a ruling recognizing them as a suspect, and to meet with them in private without restriction as to their number or duration.

103. If the suspect, accused or defendant is detained in custody or under house arrest, the defence counsel has the right to have private meetings with him or her, without restriction as to their number or duration, without the permission of the State bodies and officials responsible for the criminal proceedings.

104. The Act on State-funded Legal Assistance was adopted in June 2023.

105. Under the amended Constitution and the Code of Criminal Procedure, accused persons or defendants have the right to be informed of the substance and grounds of the charges, to request the examination of the persons testifying against them or on their behalf, and to use the services of an interpreter.

106. If the detainee is not fluent or sufficiently fluent in the language in which the proceedings are conducted, he or she is read his or her rights before the first interrogation with the assistance of an interpreter, and that fact is noted in the record.

107. Under article 224 of the Code of Criminal Procedure, when a person is detained, an internal affairs officer or other competent person must explain to the detainee the procedural rights to make a telephone call or contact a lawyer or close relative, to have a defence counsel and to refuse to testify.

108. The presidential decree of 10 August 2020 on measures for the further strengthening of safeguards for the protection of human rights and freedoms in judicial and investigative proceedings establishes the following procedure: medical examinations of persons detained during an initial inquiry or investigation, convicted persons serving custodial sentences and also suspects, accused persons and defendants held in temporary holding facilities or remand centres must be carried out, at the request of the persons concerned or their counsel, by medical personnel of facilities that are not subject to the authority of the temporary holding facilities, pretrial detention centre or penal institution, within 24 hours, with the costs to be reimbursed by the party making the request.

109. The rules on health care for persons held in remand centres and penal institutions were approved by order of the Ministry of Internal Affairs (No. 67 of 23 March 2019). Under the rules, all new persons entering detention facilities are to undergo an initial medical examination. Cases are documented without fail whenever there are signs of bodily injury or an injury has been sustained, as follows:

- An injury report is drawn up.
- A log of injuries and traumas is kept (indicating the time of the incident, the nature and extent of the injuries, a diagnosis and the amount of medical care provided).
- An entry is made in the inmate's medical outpatient record.
- A written report is submitted to the administration of the penal institution and the Department of Penalties Enforcement.
- A report is sent to the procurator's office.

110. According to article 25 of the Penalties Enforcement Code, the body executing the sentence is obliged to keep records of the convicted persons.

111. The institutions of the Department of Penalties Enforcement maintain an electronic database of inmates' records and keep registers with information on the inmates.

112. The administration of the penal institution must, within three days from the date of admission of the convicted person, send his or her family a notification of his or her arrival, indicating the address of the institution and explaining the rights of the convicted person to correspond, receive visits, postal and hand-delivered parcels and printed matter, and to make telephone calls.

113. All offices of investigators and persons leading the initial inquiry of both the Investigation Department of the Ministry of Internal Affairs and its regional branches are

equipped with video surveillance cameras, which in turn are integrated into the offices of the heads of investigative units for monitoring purposes.

114. In all remand centres of the Ministry of Internal Affairs, 142 video surveillance cameras with sound recording have been installed in investigation rooms and all interrogations are recorded and added to the criminal case file, which excludes the possibility of any illegal actions against participants in criminal proceedings.

115. Under article 39-1 of the Code of Criminal Procedure, the heads of the penalties enforcement authorities of the Ministry of Internal Affairs and the heads of penal colonies, young offender's institutions and remand centres are empowered to conduct a pre-investigation check into cases involving offences committed in those establishments.

116. All reports of violations of the rights of convicted prisoners are subject to verification. Following the verification process, in order to assess the appropriateness of the action taken, all materials are sent to the procuratorial authorities and appropriate measures are taken against the perpetrators if it is found that wrongful acts have been committed.

117. Appeals to the Ombudsman from persons held in places of detention with restricted freedom of movement, their close relatives and defence counsel (lawyers) are received by post, through the Ombudsman's boxes, during on-site visits, electronically, during a personal reception of the Ombudsman and members of his Office, and through the Ombudsman's hotline.

118. Between 2020 and September 2023, the Ombudsman received 12,712 communications from persons held in places of detention with restricted freedom of movement, their close relatives and defence counsel (lawyers).

119. Between 2020 and September 2023, the Ombudsman received 90 communications from persons held in places of detention with restricted freedom of movement, their close relatives and defence counsel (lawyers) about cases of torture and other cruel or degrading treatment or punishment.

120. Communications received with a follow-up letter from the Ombudsman are forwarded to the Office of the Procurator General and the Supreme Court for consideration in accordance with the Code of Criminal Procedure.

Application of habeas corpus provisions

Recommendations in relation to paragraph 32 (a)–(c) of the concluding observations

121. The issue of giving judges jurisdiction to assess the legality of detention by way of habeas corpus hearings and the application of less restrictive alternatives in such hearings is fully provided for and regulated by article 243 of the Code of Criminal Procedure, which provides that a preventive measure in the form of remand in custody or house arrest may only be ordered in respect of a detainee who is a suspect or an accused person in a case.

122. Presidential Decree No. UP-11 of 16 January 2023 on additional measures to further improve access to justice and enhance the effectiveness of the work of the courts approved a short-term strategy for the upgrading of the judiciary for 2023–2026 and a programme of action for its implementation, which provides for the expansion of the use of the institution of habeas corpus by transferring the power to authorize searches, wiretaps and seizure of property from procurators to the courts, and by making it more difficult for the courts to issue a warrant to search and seize property.

123. Act No. ZRU-675 of 18 February 2021 on amendments to the Criminal Code and the Code of Criminal Procedure amended article 243 of the Code of Criminal Procedure to provide that applications for remand in custody or house arrest are to be considered with the participation of the procurator, the defence counsel and the detained suspect or accused person. The legal representative of the suspect or accused person and the person conducting the initial inquiry and investigator may participate in the court hearing. The non-appearance of persons duly notified of the place, date and time of the court hearing must not be an

obstacle to the consideration of an application for remand in custody or house arrest, with the exception of defence counsel.

124. Under article 27, third paragraph, of the Constitution, as amended and adopted by a national referendum on 30 April 2023, only a court may order a person to be arrested, detained or remanded in custody. A person may not be detained for more than 48 hours without a court order. Also, in accordance with article 226, first paragraph, of the Code of Criminal Procedure (as amended by the Act of 18 February 2021), the period of detention must not exceed 48 hours from the moment of actual detention of a person (the moment of actual restriction of his or her rights to freedom of movement). 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.

Independence of the judiciary

Recommendations in relation to paragraph 34 (b)–(d) and (f) of the concluding observations

125. Under article 136 of the Constitution, as amended and adopted by a national referendum on 30 April 2023, judges are independent and subject only to the Constitution and the law. Any interference in the work of judges in the administration of justice is inadmissible and punishable by law. Judges are not held to account in specific cases. Judges enjoy immunity. The State ensures the security of the judge and members of his or her family. Also, according to article 9 of the Courts Act, judges are independent and subject only to the law. Any interference in the work of judges in administering the law is inadmissible and punishable by law. Judges may not be assigned any duties unrelated to the administration of justice.

126. The procurator's office does not supervise court proceedings. This is clearly confirmed by article 136 of the amended Constitution, which states that judges are independent and subject only to the Constitution and the law. Any interference in the work of judges in the administration of justice is inadmissible and punishable by law. Judges are not held to account in specific cases.

127. At present, the procurator's office cannot have a court call up the record of a criminal case for review unless there are appeals from citizens or other participants in proceedings.

128. Under article 109 (14) of the Constitution, as amended and adopted by a national referendum on 30 April 2023, the President of Uzbekistan appoints and dismisses, on the recommendation of the Supreme Judicial Council, only the Chairs and Deputy Chairs of the provincial courts and Tashkent City Court and the Chair of the Military Court of Uzbekistan.

129. Under the fourth paragraph of article 136 of the Constitution, as amended, a judge may be removed from a particular case, his or her powers terminated or suspended, or transferred to another post only in accordance with the procedure and on the grounds established by law. The reorganization or dissolution of a court may not serve as grounds for the dismissal of a judge from office.

130. In addition, in accordance with article 71 of the Courts Act of 28 July 2021, judges are elected or appointed under the established procedure for an initial term of five years, a subsequent 10-year term and a further indefinite term of office. The term of office of judges is calculated on the basis of the total length of their tenure of judicial office. Furthermore, article 73 of the Courts Act of 28 July 2021 establishes that a judge may be transferred, with his or her consent, to another judicial post by the Supreme Judicial Council during the term of office. A judge of the Court of the Republic of Karakalpakstan or Administrative Court of the Republic of Karakalpakstan, or the Chair, deputy Chair or judge of an inter-district or district (city) court of the Republic of Karakalpakstan during the term of office may be transferred with his or her consent to another judicial position upon submission of the Supreme Judicial Council of Uzbekistan by Jokargy Kenes (parliament) of the Republic of Karakalpakstan. The term of office of a judge in a court should normally be at least two years.

131. The matter of transferring a judge to another judicial position is submitted to the Supreme Judicial Council for consideration based on the conclusion of the Judges' Higher Qualification Board.

132. Mr. R. Fakhridinov was among the 113 persons to be pardoned pursuant to a presidential decree of 27 August 2020 on the pardon of a group of persons serving prison sentences who have shown genuine remorse for their actions and have firmly embarked on the path of reform.

133. On 13 January 2017, the Tashkent Provincial Criminal Court found Akrom Abduhamidovich Malikov guilty of offences under article 159, third paragraph (a) and (b), article 2442, first paragraph, and article 2441, third paragraph (a), (c) and (d), of the Criminal Code and sentenced him to 6 years' deprivation of liberty under article 59 of the Criminal Code.

134. The Tashkent Provincial Court upheld the judgment of the court of first instance by way of cassation in its ruling on 23 February 2018.

135. By a ruling of the criminal chamber of the Supreme Court of Uzbekistan (court of supervisory instance) of 21 November 2019, the judgment of the first instance court and the ruling of the cassation court were upheld.

136. Mr. A.A. Malikov was among the 113 persons to be pardoned pursuant to a presidential decree of 27 August 2020 on the pardon of a group of persons serving prison sentences who have shown genuine remorse for their actions and have firmly embarked on the path of reform.

137. On 20 January 2017, the Tashkent City Criminal Court found Rusam Ravshanovich Abdumannapov guilty of offences under article 159, third paragraph (b), article 168, first paragraph, and article 2441, third paragraph (a), (c) and (d), of the Criminal Code and sentenced him to 9 years' deprivation of liberty under articles 59 and 61 of the Code. The Tashkent City Court upheld the judgment of the court of first instance on appeal in its ruling on 23 February 2017.

138. Mr. R.R. Abdumannapov was among the 113 persons to be pardoned pursuant to a presidential decree of 27 August 2020 on the pardon of a group of persons serving prison sentences who have shown genuine remorse for their actions and have firmly embarked on the path of reform.

139. On 18 November 2014, the Tashkent Criminal Court found Mirsobir Mirsobitovich Khamidkariev guilty of offences under article 2442, first paragraph, and article 216 of the Criminal Code and sentenced him to 8 years' deprivation of liberty under article 59 of the Code.

140. In addition, chapters 551 and 56 of the Code of Criminal Procedure (Appeal (protest) against a judgment or ruling of a court of first instance on appeal or by way of cassation) provide for a procedure for appealing or protesting court decisions, under which convicted persons may appeal court decisions against them.

Independence of lawyers

Recommendations in relation to paragraph 36 of the concluding observations

141. The activities of the legal profession are mainly regulated by the Bar Act and the Act on Guarantees of Defence Lawyers' Activities and Social Protection of Defence Lawyers.

142. The procedure for admission to the Bar has been simplified:

- The period of compulsory internship for obtaining a licence to practise law has been reduced from six to three months.
- Persons who have served for at least three years as legal service staff of State bodies or as a judge, investigator or prosecutor are exempted from compulsory internship.

143. As of today, the requirement to have at least two years of work experience in the legal profession in order to obtain a licence to practise law has been abolished.

144. Draft laws and regulations on issues related to the legal profession and the legal process must be subject to consultation with the Bar Chamber and the President of the Bar Chamber has the right to participate in meetings of the Legislative Chamber of the Oliy Majlis to discuss draft laws and express opinions on them.

145. It has been established that officials who fail to respond in a timely manner to an lawyer's request are held administratively liable upon a lawyer's direct application to the court.

Conditions of detention and deaths in custody

Recommendations in relation to paragraph 40 (a), (i)–(v) and (b)–(g) of the concluding observations

146. In order to further improve the penal system, by presidential decree of 26 March 2021, the Central Penal Correction Department was reorganized into the Penal Correction Department under the Ministry of Internal Affairs. All remand centres and penitentiary institutions were removed from the organizational and functional reporting lines of the local internal affairs agencies and placed under the authority of the Department. Six regional coordination centres have been established within the Department's system for the effective organization and day-to-day monitoring of the penal institutions.

147. The medical care provided in the penal system is carried out in close contact with the Ministry of Health.

148. The procedure for the provision of medical care in the penal system, the provision of medicines to institutions, the organization and conduct of health inspections, the use of medical facilities and the recruitment of medical staff by the health-care authorities is established by the regulations in force.

149. Cooperation between the Ministry of Health and the Ministry of Internal Affairs has made it possible to properly maintain generally accepted standards of care and safety at the desired level.

150. The principles of medical care and the guarantee of its provision are regulated in the amended Constitution, the Health Care Act, the Act on Pretrial Detention during Criminal Proceedings, the Criminal Code and the Penalties Enforcement Code.

151. The procedure for medical care of persons held in remand centres and penal institutions is regulated by the requirements of the order of the Ministry of Internal Affairs (No. 67 of 23 March 2019) on approval of the rules on the health care of persons held in remand centres and penal institutions.

152. Persons held in remand centres and penal colonies are provided with medicines and medical devices free of charge.

153. The purchase of medicines and medical devices is funded from the national budget in accordance with the existing needs of institutions.

154. Upon request, inmates may also receive medicines necessary to treat their conditions from their relatives and other persons. The medicines received are not counted against the total number of parcels that inmates are allowed to receive.

155. Article 44 of the amended Constitution provides that labour useful to the community is the main means of reforming a convicted person.

156. The main purpose of involving persons deprived of their liberty in labour is to form in them the need to engage in socially useful activities.

157. Prisoners sentenced to deprivation of liberty are engaged in paid work in the production facilities of penal institutions and their organizations, taking into account their

sex, age, state of health, ability to work and, if possible, profession. The use of convicted persons' labour for the benefit of private persons is prohibited.

158. Men over 60 years of age, women over 55, persons with category I or II disabilities may work if they so desire.

159. Convicted women are exempted from work during pregnancy and childbirth. A six-day working week is established for prisoners sentenced to imprisonment.

160. The involvement of convicted persons in overtime work, work on weekends and holidays (non-working days) is allowed for operational reasons, provided that the time limit for overtime work established by labour law is observed. The work of convicted persons during overtime, weekends and public holidays (non-working days) is paid double the standard rate.

161. Prisoners sentenced to deprivation of liberty who are engaged in labour must be granted at least one day of rest each week. They are exempt from working on holidays (non-working days).

162. Persons serving sentences in settlement colonies are granted annual labour leave and may also receive a pension.

163. Measures are being taken in the country to ensure that favourable conditions are created for convicts and that detention conditions are further improved and brought into line with international standards.

164. Depending on the conditions of detention, prisoners are accommodated in shared living quarters, rooms or cells, with individual beds, bedding and necessary equipment. Living quarters, rooms or cells must comply with health and hygiene and building rules and regulations (Penalties Enforcement Code, art. 84 (Nelson Mandela Rules, rule 13)).

165. Material and technical support measures are being taken in penal institutions, and the conditions necessary for decent living are being improved for inmates.

166. All penal institutions are provided with drinking water. In addition, the phased replacement and installation of filters to purify drinking water in institutions is under way (Nelson Mandela Rules, rule 22).

167. It should be noted that all buildings and common living quarters of the institutions are equipped with special equipment and devices for persons with disabilities (ramps and handrails have been installed). Institutions have wheelchairs, axilla crutches and support canes.

168. Prisoners sentenced to deprivation of liberty, with the exception of those serving their sentences in penal colonies and settlements and receive food that meets the physiological needs of the body for energy and nutritional substances funded from the national budget, in accordance with the standards approved by Cabinet of Ministers Decision No. 143 of 16 March 2021 (Penalties Enforcement Code, art. 85 (Nelson Mandela Rules, rule 22)).

169. The following disciplinary measures may be applied to prisoners sentenced to deprivation of liberty for violation of prison regulations: (Penalties Enforcement Code, art. 105):

- Warning
- Reprimand
- Cancellation of privileges
- Deprivation of right to visitation
- Placement in a disciplinary unit

170. Under the rules of article 221 of the Criminal Code, failure to comply with the lawful demands of the administration of a penal institution by persons serving a sentence in a place of deprivation of liberty is punishable by deprivation of liberty only if, within the course of one year, such persons have been punished for breaking the rules of the custodial facility with confinement to a punishment cell in a penal colony or transferred to a prison.

171. In turn, the measure of disciplinary punishment in the form of transfer of a convicted person to a punishment cell is applied only to persistent violators of prison regulations.

172. Punishment for the commission of an offence under article 221 of the Criminal Code may be imposed only after an appropriate court decision is passed.

173. Persons who, after a judgment is passed, develop a mental disorder that deprives them of their ability to understand the significance of their actions or control their behaviour and persons who have contracted another serious illness that prevents them from serving their sentence are released from serving the sentence.

174. The administration of the penal colony makes a submission to the court on the release of the convicted person from further serving of the sentence, and at the same time the findings of the medical board are sent to the court.

175. The submission to the court of an application for release from a prison sentence on the grounds of illness is made on the basis of the findings of a special medical board of the Ministry of Internal Affairs. The list of such conditions is approved by the Ministry of Health and the Ministry of Internal Affairs.

176. In accordance with the Presidential Decision No. PP-4414 of 2 August 2019, Specialized Penal Colony No. 19 of the Ministry of Internal Affairs of the Republic of Karakalpakstan, located in the Zhaslyk settlement, Kungrad district, has been closed.

177. Convicts serving their sentences in this colony were transferred to a colony of the same type of regime for further serving their sentences.

178. A thorough internal investigation is conducted into every complaint about the use of physical force, ill-treatment or infringement of the rights and legitimate interests of persons held in places of deprivation of liberty, the perpetrators are subject to strict disciplinary measures, including dismissal from the internal affairs agencies, and it is mandatory for the official review file to be handed over to the procuratorial authorities.

179. Presidential Decree No. UP-6041 of 10 August 2020 on measures for the further strengthening of safeguards for the protection of human rights and freedoms in judicial and investigative proceedings establishes the following procedure: medical examinations of persons detained during an initial inquiry or investigation, convicted persons serving custodial sentences and also suspects, accused persons and defendants held in temporary holding facilities or remand centres must be carried out, at the request of the persons concerned or their counsel, by medical personnel of facilities that are not subject to the authority of the temporary holding facilities, pretrial detention centre or penal institution, within 24 hours, with the costs to be reimbursed by the party making the request.

180. In accordance with Cabinet of Ministers Decision No. 316 of 22 May 2020, in order to enhance openness and transparency in the work of internal affairs agencies in the enforcement of custodial sentences, the following information is public:

- Information on the number of persons held in penal institutions and remand centres of the Ministry of Internal Affairs
- Information on the number and location of penal institutions and remand centres of the Ministry of Internal Affairs
- Information on the productive activities of penal institutions and their output of commercial products in terms of line of goods and monetary value
- Information on the number of deaths among persons held in penal institutions and remand centres of the Ministry of Internal Affairs

181. When representatives of the Ministry of Internal Affairs speak at international conferences, information on the number of penal institutions and the number of persons held in remand prisons and penal colonies is always mentioned. This information is also published on news websites.

Complaints mechanism and independent monitoring of places of detention

Recommendations in relation to paragraph 44 (a)–(e) of the concluding observations

182. In accordance with article 9 of the Penalties Enforcement Code, convicted persons have the following rights: to receive information on procedures and conditions for the serving of their sentences and information on their rights and obligations; to file proposals, applications and complaints in their native language or in another language with the prison administration, the body enforcing the sentence and other government agencies and voluntary associations; and to receive answers to their proposals, applications and complaints in the language in which they were submitted. If it is not possible to give a reply in the language of in which they were submitted, a reply is given in the official language of Uzbekistan. The institution or body enforcing the punishment must provide a translation of the answer into the language in which the person sent to the disciplinary unit and sentenced to deprivation of liberty submitted the communication. That person also has the right to provide clarifications, to correspond with others and, if necessary, to use the services of an interpreter, including a sign language interpreter.

183. In addition, convicted persons have the right to appeal:

- A decision to apply security measures, or to refuse to apply security measures, to a higher authority, a procurator or a court, which must be considered within 24 hours of the submission of the complaint
- An opinion of the Commission if it finds that the convicted person is not considered to have taken steps towards rehabilitation
- A disciplinary sanction imposed on them, to a higher authority, a procurator or a court, at their discretion

184. The presidential decision on additional measures to improve the system for detecting and preventing cases of torture establishes that the administration of places of detention of persons with restricted freedom of movement must provide civic groups with necessary conditions for unhindered meeting and conversation in private with a person with restricted freedom of movement and enable them to familiarize themselves with relevant documentation; State bodies and their officials and the administration of places of detention of persons with restricted freedom of movement must provide assistance in carrying out the activities of civic groups.

185. See [CAT/C/UZB/FCO/5](#).

186. The follow-up information states that, between 2020 and September 2023, a total of 1,086 monitoring visits were conducted by the Ombudsman and civic groups and 59 monitoring visits were conducted by the National Centre for Human Rights in places of detention for persons with restricted freedom of movement. It should be noted that the number of monitoring visits increases every year.

187. Monitoring visits examine the conditions of detention of persons with limited freedom of movement, in particular accommodation and food, work, the state and quality of medical care, cultural and educational activities for persons with limited freedom of movement, compliance with standards of hygiene and sanitation, and education and training.

188. Article 209 of the Act on the Oliy Majlis Commissioner for Human Rights (Ombudsman) covers the activities of the Ombudsman for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

189. The Ombudsman takes measures to prevent torture and other cruel, inhuman or degrading treatment or punishment through regular visits to places of detention.

190. In addition, in accordance with Presidential Decision No. 5163 of 26 June 2021 on additional measures to improve the system for detecting and preventing cases of torture, civic groups have been established as part of the Ombudsman's expert group and their principal objectives have been defined.

191. The administration of places of detention must provide the Ombudsman, and other persons conducting independent monitoring of places of deprivation of liberty, with the necessary conditions for unhindered and confidential meetings and interviews with persons in detention.

192. Meetings of the Ombudsman with persons held in places of deprivation of liberty are held in private in conditions that allow the staff of these institutions to see them but not to hear them.

193. A group of experts has been set up to facilitate the Ombudsman's work on prevention of torture and other cruel, inhuman or degrading treatment or punishment.

194. The group of experts is made up of representatives of non-governmental non-profit organizations with professional knowledge and practical skills, generally in the fields of law, medicine, psychology, education and other areas.

195. In addition, Cabinet of Ministers Decision No. 85 of 19 February 2021 approved regulations on the procedure for arranging visits by members of the diplomatic corps, international and local non-governmental organizations and the media to penal institutions. Visits are arranged as and when requested. In 2023, the Penal Correction Department did not receive any requests from non-governmental organizations to visit penal colonies.

National preventive mechanism

Recommendations in relation to paragraph 46 (a)–(f) of the concluding observations

196. We announced our intention to ratify the Optional Protocol to the Convention against Torture at the forty-sixth session of the Human Rights Council.

197. A national preventive mechanism has been established, which provides for the organization of monitoring of penal institutions, places of detention and special holding centres with a view to examining whether human rights and freedoms are ensured there.

198. Civic groups have been set up in the Ombudsman's Office with the participation of representatives of civil society institutions for the prevention of torture.

199. Work is under way to incorporate the Convention into national law.

200. In accordance with article 11, Uzbekistan expresses its readiness to cooperate with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the area of training and technical assistance to strengthen the capacity of the national preventive mechanism.

201. On 26 June 2021, the President of Uzbekistan adopted Decision No. 5163 on additional measures to improve the system for detecting and preventing cases of torture.

202. There has been an increase in the number of management personnel employed in the Ombudsman's Office to reflect its additional workload in identifying and preventing cases of torture.

203. In accordance with the joint resolution of the councils (*kengash*) of the Legislative Chamber of the Oliy Majlis and the Senate of the Oliy Majlis (No. 690-IV/IK-K-294-IV of 24 December 2021) on improving the work of the Commissioner for Human Rights of the Oliy Majlis (Ombudsman) in identifying and preventing cases of torture and other cruel, inhuman or degrading treatment or punishment, material and other support for the work of the Ombudsman's Office to prevent torture and other cruel, inhuman or degrading treatment or punishment is funded from the State budget and provided as a separate budget line in the costs of the Office.

204. On 10 September 2021, the President of Uzbekistan adopted Decree No. 6312 on measures to improve the work of the Commissioner for Human Rights of the Oliy Majlis (Ombudsman) with a view to further raising the profile of the Office of the Ombudsman as an independent national institution for the protection of human rights and freedoms and expanding its powers in the regions.

205. In accordance with a presidential decree, regional representatives of the Ombudsman have been working continuously since 2022.

206. According to the decree, regional representatives of the Ombudsman are engaged in monitoring visits to closed institutions and receive and consider complaints from prisoners and citizens to help them restore their violated rights. The regional representatives report directly to the Ombudsman.

207. In addition, in accordance with Presidential Decision No. 5163 of 26 June 2021 on additional measures to improve the system for detecting and preventing cases of torture, civic groups have been established as part of the Ombudsman's expert group and their principal objectives have been defined.

208. Civic groups are formed in accordance with the joint decision of the councils of the Legislative Chamber of the Oliy Majlis and the Senate of the Oliy Majlis (No. 690-IV/IK-K-294-IV of 24 December 2021) on improving the work of the Commissioner for Human Rights of the Oliy Majlis (Ombudsman) in identifying and preventing cases of torture and other cruel, inhuman or degrading treatment or punishment, and membership of any particular non-governmental organization does not constitute grounds for prohibiting involvement in such a group.

209. According to the above-mentioned joint decision, the rights of regional representatives, members of civic groups and department staff who, on the Ombudsman's instructions, are tasked with collecting and analysing information or conducting expert assessments in places of detention of persons with restricted freedom of movement may not be infringed or otherwise restricted.

210. In accordance with Presidential Decision No. 5163 of 26 June 2021 on additional measures to improve the system for detecting and preventing cases of torture, monitoring visits are carried out on a regular basis to prevent the use of torture in military detention facilities, special holding facilities, temporary holding facilities, remand centres, penal institutions, disciplinary units and compulsory treatment facilities.

National human rights institutions

Recommendations in relation to paragraph 48 (a)–(c) of the concluding observations

211. In 2020, the Commissioner for Human Rights of the Oliy Majlis (Ombudsman) was accredited with B status by the Global Alliance of National Human Rights Institutions.

212. In order to address systemic weaknesses identified during monitoring visits, the Ombudsman submits the relevant documents to ministries and departments. In particular, to date, since 2020 the Ombudsman has filed 10 submissions, 8 demands, 6 opinions, 6 analytical reports and 21 analytical briefs to the Legislative Chamber and the Senate of the Oliy Majlis. The Ombudsman also submitted two reports to the chambers of the Oliy Majlis on the work being done to prevent cases of torture and other cruel, inhuman or degrading treatment or punishment, and published these reports in the media.

213. Following the Ombudsman's recommendations, hearings are organized in the parliament with the participation of the heads of the responsible ministries and departments.

214. Monitoring visits by the Ombudsman, the National Centre for Human Rights and civic groups are widely covered in the media.

Redress

Recommendations in relation to paragraph 50 of the concluding observations

215. National legislation provides for an effective mechanism to compensate the victims, i.e. the injured parties, for material damage or for moral harm caused to them as a result of the offence.

216. From March 2022, pursuant to article 991, first paragraph, and article 1021, second paragraph, of the Civil Code, harm caused to a citizen as a result of any use of torture and other cruel, inhuman or degrading treatment or punishment is to be compensated by the State in full, regardless of whether it is the fault of the officials of the bodies conducting the pre-investigation check, preliminary inquiries or preliminary investigation, the procurator's office or the courts, in accordance with the procedure established by law.

217. Non-material damage caused to a citizen as a result of any use of torture and other cruel, inhuman or degrading treatment or punishment is also compensated, regardless of the fault of the person responsible for causing the damage.

Forced labour

Recommendations in relation to paragraph 52 of the concluding observations

218. Under the amended Constitution, forced labour, except in execution of a court sentence or in other instances specified by law, is prohibited.

219. Labour is one of the main means of correction for prisoners sentenced to deprivation of liberty.

220. Convicted persons sentenced to deprivation of liberty are engaged in work, taking into account their sex, age, state of health, ability to work and, if possible, profession. Labour relations of convicts are regulated by labour legislation, with exceptions and limitations provided for by the Penal Enforcement Code.

Juvenile justice

Recommendations in relation to paragraph 54 (a) and (c) of the concluding observations

221. Currently, the priority in the penal enforcement system is the education of convicted children in conflict with the law, rather than punishment.

222. The most effective means of rehabilitation is to train convicted persons in a profession and provide them with a job.

223. General and secondary education of inmates is organized in penal institutions.

224. Currently, the system has six branches of general education schools and four vocational training centres.

225. Training in the centres is carried out according to curricula and training programmes aimed at accelerating the acquisition by inmates of professional knowledge and labour skills necessary for the performance of certain types of work.

226. In vocational training centres, inmates can acquire vocational knowledge and work skills in 16 basic professions.

227. Minors who have reached the age of 14 are placed in national educational institutions on the basis of a court decision.

228. On 26 May 2019, Presidential Decree No. PK-4342 on radical improvement of the activities of specialized educational and training institutions was adopted.

229. This decision established a national educational institution for girls (Gulzorabad mahalla, Chinoz district, Tashkent Province) under the Ministry of Public Education.

230. The Ministry of Internal Affairs has been entrusted with assisting the national educational institution for girls, improving and providing them with timely and adequate living conditions, and bringing them up using modern educational methods to be healthy and physically strong, spiritually and morally sound, educated, patriotic and self-sacrificing young people with a broad outlook, and to educate the pupils in the spirit of devotion to the homeland.

231. Juvenile girls who have reached the age of 14 and are not older than 18 placed in the National Educational Institution for Girls include those who:

- Have committed socially dangerous acts, but who have not reached the age of criminal responsibility or, owing to a developmental lag not related to a mental disorder, were unable to fully realize the significance of the act committed
- Are exempted from criminal responsibility, without a determination on their guilt, if the case files are referred to the district or city commission on children's issues
- Are exempted from criminal punishment with the application of a compulsory measure in the form of placement in a national educational institution
- Continue to systematically commit offences or other antisocial acts despite individual preventive work with them

232. The National Educational Institution for Girls has hosted a number of events on a range of topics with various governmental and non-governmental organizations, including:

- "Social cooperation in eradicating trafficking in persons and other forms of violence," together with the Istikbolli avlod Social Information Centre, on 31 October 2019
- "Protection of the rights of the Child," together with the United Nations Children's Fund and the Ministry of Internal Affairs, on 27 August 2021
- Event held by the Oliy Majlis Commissioner for Children's Rights and representatives of the Cabinet of Ministers responsible for child protection to familiarize themselves with the conditions created for children, on 23 August 2022
- Commemoration of the thirty-first anniversary of the independence of the Republic of Uzbekistan, together with the Chair of the Senate Committee on Women and Gender Equality, on 27 August 2022
- "Reading Books", together with the Milliy Tiklanish Democratic Party, on 30 September 2022
- Event at which girls were given books, together with the Chair of the Senate Committee on Women and Gender Equality and the Ministry of Internal Affairs, on 27 August 2022
- A cultural event for female students organized by the Ministry of Internal Affairs on 23 February 2023

Violence against women, domestic violence and prevention of divorce

Recommendations in relation to paragraph 56 (a)–(f) of the concluding observations

233. Local authorities in the area of the protection of women against harassment and violence are implementing measures to ensure the legal and socioeconomic protection of women.

234. The internal affairs agencies, in turn, take measures to prevent harassment and violence, including identifying and eliminating their causes and conditions, and carry out regular preventive work with persons who harass women and commit violence against them; issue a formal warning to a person who is prone to harassment or violence; issue protection orders; take measures within their power to bring perpetrators of violence to justice; and cooperate with relevant authorized bodies and organizations responsible for protecting women from harassment and violence.

235. Authorized bodies and organizations responsible for protecting women from harassment and violence are obliged to report such harassment and violence to the relevant internal affairs authorities without delay.

236. A protection order is issued within 24 hours of the establishment of the fact of harassment and violence or the threat thereof by the official of the internal affairs body

responsible for the implementation of individual prevention of harassment and violence in the relevant area, for a period of up to 30 days, and is effective from the moment of issuance.

237. The following restrictions may be provided for in a protective order:

- Prohibition of harassment and violence
- Prohibition against contacting the victims of harassment and violence by the perpetrator (indirect contact between the victim of harassment and violence and the perpetrator is allowed in workplaces and educational institutions)
- Prohibition against the perpetrator of harassment and violence being alone in the same room with the victim
- Requirement imposed on the perpetrator of violence of recovering the costs of treatment, counselling and placement of the victim of harassment and violence in a special centre for assistance to victims of harassment and violence, and the material damage and moral damage caused
- Restriction of the right of the perpetrator of harassment and violence to keep and carry weapons or prohibition on the keeping and carrying of weapons (except service weapons) during the period of validity of the protection order or during the period defined by the order and forfeiture of the right to obtain a permit to purchase weapons

238. When deciding on the extension of the term of validity of a protection order, the court may apply, in addition to the restrictions provided for in paragraph one of this article, the following restrictions:

- Prohibition of the perpetrator of harassment and violence from travelling to certain places
- Requirement for the perpetrator of harassment and violence to undergo inpatient or outpatient treatment for a substance abuse disorder
- Temporary restriction of the perpetrator of harassment and violence from using the living space or part of it where the victim lives, from approaching the victim's place of work or other locations

239. Twenty-nine model centres for the rehabilitation and adaptation of women have been established in the country, including 1 national, 14 regional and 14 inter-district centres.

240. The centres are designed to provide emergency medical, psychological, social, educational, legal and other assistance in an anonymous form to women who have suffered harassment and violence, and those who have made attempts on their lives or are inclined to commit suicide.

241. Victims of harassment and violence or their legal representatives can request shelter. In such cases, the relevant authorities and organizations arrange placement of the victims in special centres. Minor children of the victim of harassment and violence may be placed in special centres with her.

242. 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 there is a threat to the victim of harassment and violence when the period of placement in a special centre ends, the administration of the special centre is required to notify the law enforcement authorities.

243. The jobs of victims of harassment and violence are kept open for them during their stay in special centres.

244. 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.

245. Article 126 (Domestic violence) was introduced to the Criminal Code pursuant to the Act of 11 April 2023 amending a number of legislative acts of Uzbekistan in connection with the further improvement of the system for the reliable protection of the rights, freedoms and legitimate interests of women and children.

246. The criminal law of Uzbekistan is based on the Constitution and the generally recognized rules of international law, which is based on the principles of legality, equality before the law, democracy, humanism, justice, fault liability and inescapable liability. Based on these objectives and principles, all criminal proceedings are conducted in a thorough and impartial manner, regardless of gender equality for women and girls.

247. The internal affairs agencies operate a hotline, 1259, or call centre number 102, to provide information on the mechanism and measures for providing assistance, counselling and prevention of harassment and violence against women.

248. The statute of the support centre of the Central Department for the Prevention of Offences was approved by Order No. 417 of 4 November 2021 of the Ministry of Internal Affairs.

249. The centre has been operating a short number hotline, 1259, and Telegram username @fuqarolargataziyqbot since 10 January 2022 to receive complaints from persons affected by violence and to provide legal assistance.

250. In the first eight months of the current year, the centre received 3,747 complaints about violence. Of these, 2,970 persons were provided with legal assistance, 145 were redirected to the short number 102, and 632 were referred to the authorities to be handled.

251. Out of 632 communications recorded in connection with violence, a protection order was issued in 135 cases, administrative proceedings were brought in 99 cases, criminal proceedings were dropped in 83 cases, 2 citizens were referred for compulsory treatment and criminal proceedings were initiated against 70 persons, 126 of the communications were not considered to be substantiated, and other measures were applied in 117 cases.

252. The telephone network is operated in a confidential manner. The disclosure of information received through the hotline is prohibited, except in cases established by law.

253. A number of training activities are systematically carried out in the law enforcement system to improve the skills of law enforcement officials in the prevention of torture and violence.

254. A working group consisting of staff from the Law Enforcement Academy, the Ministry of Justice, the Ministry of Internal Affairs, the Supreme Council of Judges, the Supreme Court and the National Guard was formed to carry out these activities.

255. A module on the prohibition of torture was created, and training materials (lectures, presentations, handouts, etc.) were prepared. All materials were provided to law enforcement agencies to enhance staff skills.

256. These materials are also available on the Academy's electronic portal for distance learning.

Forced renditions and extraditions

Recommendations in relation to paragraph 58 of the concluding observations

257. Article 19 of the amended Constitution provides that human rights and freedoms are recognized and guaranteed in Uzbekistan in accordance with the generally recognized rules of international law and the Constitution. Human rights and freedoms belong to everyone from birth.

258. In Uzbekistan, all citizens have the same rights and freedoms and are equal before the law, without distinction as to sex, race, ethnicity, language, religion, beliefs, social origin or social status.

259. Visits by representatives of the diplomatic corps, international and local non-governmental non-profit organizations and the mass media to penal institutions are carried out in accordance with the procedure established by Cabinet of Ministers Decision No. 85 of 19 February 2021 approving the regulations on the procedure for arranging visits by representatives of the diplomatic corps, international and local non-governmental non-profit organizations and the mass media to penal institutions.

Safeguards on non-refoulement

Recommendations in relation to paragraph 60 of the concluding observations

260. In accordance with the established procedure, a person applying for political asylum in Uzbekistan is notified through the local internal affairs agency within seven days of the issuance of a presidential decree.

261. Political asylum in Uzbekistan is granted to foreign nationals and stateless persons, taking into account the national interests of Uzbekistan, on the basis of the universally recognized principles and rules of international law, in accordance with the Act on the Legal Status of Foreign Nationals and Stateless Persons in the Republic of Uzbekistan and other national laws and regulations.

262. Political asylum in Uzbekistan is granted to foreign citizens and stateless persons permanently residing on the territory of other States, and also to members of their families, who seek asylum and protection from persecution or a real threat of persecution in the country of their citizenship or permanent residence for their social and political activities, religious beliefs, race or nationality, and from other instances of human rights violations, provided for by the rules of international law.

Training

Recommendations in relation to paragraph 62 (a)–(c) of the concluding observations

263. In recent years, modules entitled “National and International Experience in the Prevention of Torture” and “Issues of Women’s Protection from Harassment and Violence” have been created for prosecutors, law enforcement officers and penal institutions in the law enforcement system.

264. Advanced training courses have been held, in which some 15,000 students of the Law Enforcement Academy have taken part in studying the classification of offences involving torture, and training sessions have been held to provide internal affairs officers with the necessary knowledge and skills to prevent and prohibit torture; they are also trained in the principles of the use of force and firearms, holding persons in custody and conducting initial inquiries, and the rules and peculiarities of arrest and detention.

265. In addition, under the National Human Rights Education Programme, approved by a presidential decision of 7 February 2023, a training course entitled “Combating torture: international practice and national experience” is being offered throughout the country with the participation of staff of the Procurator’s Office, law enforcement agencies and penal institutions.

266. As part of the course, training in was provided to 1,200 law enforcement officers in 2021, 30 in 2022 and 590 in 2023 engaged in police detective work, pre-investigation checks, initial inquiries and preliminary investigations or working in penal institutions of the Ministry of Internal Affairs.

Violence against lesbian, gay, bisexual and transgender persons

Recommendations in relation to paragraph 64 of the concluding observations

267. Statements and other communications submitted by lesbian, gay, bisexual and transgender persons are considered by State authorities on an equal basis with other social groups. The Uzbek law enforcement authorities made no distinction as to the race, sex, age, social status or gender identity of claimants, victims, accused persons, witness or other participants in criminal proceedings.

268. Uzbek human rights law is characterized by the absence of direct discriminatory provisions for lesbian, gay, bisexual and transgender persons, i.e. of rules that restrict their access to employment, education and medical care.

269. Hate speech, hate crimes, other forms of insults or physical violence, along with discriminatory practices by both individuals and organizations, are also not tolerated.

Other issues

Recommendations in relation to paragraph 66 of the concluding observations

270. Uzbekistan is a party to seven of the nine core international human rights treaties and is constantly expanding its treaty obligations. Uzbekistan ratified the Convention on the Rights of Persons with Disabilities in June 2021.

271. Within the framework of the International Labour Organization (ILO), Uzbekistan has acceded to 20 international labour conventions and 1 protocol, including 9 fundamental conventions and the 4 governance conventions. Between 2019 and 2023 it ratified 4 ILO conventions: the Labour Inspection Convention, 1947 (No. 81); the Labour Inspection (Agriculture) Convention, 1969 (No. 129); the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); and the Safety and Health in Construction Convention, 1988 (No. 167).

Recommendations in relation to paragraph 67 of the concluding observations

272. Uzbekistan attaches great importance to cooperation with the special procedures of the Human Rights Council. In 2018, the Government issued a standing invitation to all United Nations special procedures mandate holders.

273. The Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, visited Uzbekistan in 2019 and the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Fionnuala Ní Aoláin, in 2021. The Government also invited the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, to visit the country in 2022.

Recommendations in relation to paragraph 68 of the concluding observations

274. The Agency for Information and Mass Communications attached to the Office of the President did not identify any confirmed cases of torture of journalists following a systematic analysis of the national information space.
