



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

Distr.: General
26 May 2014
English
Original: Russian
English and Russian only

Committee against Torture

Concluding observations on the fourth periodic report of Uzbekistan

Addendum

Information received from Uzbekistan on follow-up to the concluding observations*

[Date received: 17 April 2014]

A. Introduction

1. Analysis of the concluding observations of the Committee against Torture on the fourth periodic report of Uzbekistan shows that they do not include any positive or comprehensive assessment of the judicial and legal reforms being implemented in the country to prevent human rights violations in the administration of justice, including in relation to torture and other cruel, inhuman or degrading treatment or punishment.

B. Positive aspects

2. The Committee did not pay due attention to the following fundamental changes:
- First, the introduction of habeas corpus, which has significantly reduced the use of preventive measures like remand in custody and strengthened guarantees of the citizens' right to inviolability of the person;
 - Second, the significant decrease in the number of persons held in detention facilities;
 - Third, the strengthening of lawyers' legal status in providing real legal assistance to suspects, detainees and defendants;
 - Fourth, the introduction of the Miranda rule governing the notification of a suspect in detention of his or her right to make a telephone call, to inform a lawyer or close relative, to refuse to give testimony, etc.;

* The present document is being issued without formal editing.



- Fifth, the strengthening of the Code of Criminal Procedure through the inclusion of legislation on international cooperation in the area of criminal proceedings;
- Sixth, the criminalization of any intentional omission by law enforcement officers of an offence from the register;
- Seventh, the adoption of the Police Operations Act, establishing guarantees of human rights safeguards during police operations;
- Eighth, the introduction into the Code of Criminal Procedure of provisions concerning the right of witnesses to receive legal assistance from a lawyer;
- Ninth, Uzbekistan's accession to the United Nations Convention against Corruption and the subsequent measures to implement it through the drafting of an anti-corruption bill and the running of large-scale information campaigns to increase familiarity with the Convention;
- Tenth, the adoption and implementation of the National Plan of Action for the implementation of the recommendations made by the Committee against Torture following consideration of the third periodic report of Uzbekistan.

3. It is regrettable that the Committee did not recognize the above-mentioned achievements by Uzbekistan as progressive steps towards strengthening human rights guarantees relating to protection against torture and other forms of cruel treatment. A considerable number of the Committee's recommendations basically repeat the recommendations made 10–15 years previously.

C. Principal subjects of concerns and recommendations

Paragraph 7

Widespread torture and ill-treatment

4. Besides disagreeing with the statement of the European Court of Human Rights that the use of torture in Uzbekistan is “systematic”, “unpunished” and “encouraged”, Uzbekistan finds the Committee's reference to the view of the European Court of Human Rights, which has no jurisdiction over the country, inappropriate and unfounded.
5. Specific data supplied in the fourth periodic report, together with the replies to additional questions put by members of the Committee and the Uzbek delegation's active participation in the discussion on the report disprove the Committee's prejudiced and biased allegations concerning the extent of torture in the country.
6. The former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. M. Nowak, did at one point, at the request of Uzbekistan, attempt to examine the notion of “widespread torture” and came to the conclusion that there was no clear interpretation of the term in international law.
7. Agencies conducting initial inquiries and pretrial investigations undertake activities prescribed by the law to examine complaints and any claims of torture. Guilty parties are prosecuted under article 235 of the Criminal Code and sentenced to an appropriate penalty.
8. No acquittals have ever been handed down in cases concerning the use of torture or other cruel, inhuman or degrading treatment or punishment.
9. Article 10 of the Criminal Code, on the principle of the inevitability of liability, which establishes that any person may be subject to criminal proceedings if evidence is found that he or she has committed an offence, is scrupulously observed.

10. All law enforcement officers convicted of using torture or other cruel and inhuman treatment or punishment during preliminary investigations have been dismissed from the law enforcement agencies and, since being found guilty, no longer work in the system.

11. Increased efforts have been made in the country to publicly condemn torture through open discussion of the issue within the internal affairs agencies, the procuratorial authorities, other law enforcement entities and the judicial authorities, as has been mentioned repeatedly in the country's national reports.

Paragraph 8

Harassment, arbitrary imprisonment and alleged torture of human rights defenders

12. In Uzbekistan, human rights defenders cannot be prosecuted for their professional activities, nor may harassment, arbitrary imprisonment, torture or any restriction on activities be used against this category of citizen.

13. Claims that human rights defenders have been prosecuted are unfounded: any charges against them are connected with violations of Uzbek law.

14. In the replies to additional questions by members of the Committee, specific information was provided on the criminal cases connected with these persons; no evidence was found that the individuals had been subject to torture or any other cruel treatment.

15. As a result, there is no need for Uzbekistan to recognize that human rights defenders are at risk or are targeted for reprisals due to the performance of their human rights activities. The Committee's request for the country to acknowledge a non-existent fact not only is inappropriate, but also flouts the State's sovereign status.

16. All human rights defenders in Uzbekistan have the opportunity to carry out their activities in line with the Constitution and the national laws.

17. It should be noted that the accusations concerning multiple cases of torture of detainees by the law enforcement agencies are unfounded.

18. The recommendation that an independent mechanism for reviewing allegations of torture be established runs counter to the experience of developed countries, in which the review of citizens' complaints falls under the competency of government bodies and not independent non-governmental institutions.

19. Every statement, including from detainees, received by the procuratorial authorities in which allegations are made of illegal actions by law enforcement officials is examined closely and in detail, following which a decision is taken in accordance with national law.

Paragraph 9

Investigation and prosecution of acts of torture and ill-treatment

20. In Uzbekistan, a system has been established that allows timely consideration of citizens' complaints concerning the use of torture and cruel treatment, including against so-called human rights defenders. This can be seen in the specific statistics provided in the national report.

21. The procuratorial authorities systematically monitor the statements and reports of unlawful actions by law enforcement officers.

22. A system has been established for the receipt and review of complaints of unlawful acts, including acts of torture, by law enforcement officers. Specifically, in accordance with article 329 of the Code of Criminal Procedure, any statements, reports or other information concerning offences must be registered and addressed without delay and, where necessary, steps must be taken, directly or with the assistance of the agencies responsible for initial

inquiries, within 10 days to verify whether there are sufficient and lawful grounds for instituting criminal proceedings.

23. Furthermore, the investigation of complaints and reports concerning the use of unlawful methods by members of law enforcement agencies is one of the mandatory tasks of the special units for maintaining internal security (Special Staff Inspection Units), which report directly to the head of the law enforcement agency. These units are independent, since combating, exposing and investigating crime are not part of their functions and they are not subordinate to anti-crime agencies and units.

24. Senior officials of the Ministry of Internal Affairs carry out a thorough review of cases of use of physical force, ill-treatment or violation of the rights and legal interests of the aforementioned persons. Perpetrators are subject to severe disciplinary measures and are usually dismissed from the internal affairs agencies, and the official review file must be handed over to the procuratorial authorities.

25. In addition, if an individual who is remanded in custody or convicted believes the actions of correctional facility staff to have been inappropriate, he or she has the right to submit reports and complaints to government bodies, voluntary associations, institutions and organizations, irrespective of the form of ownership; such reports and complaints are sent to their destination by the correctional facility staff within three days and the complainant is notified of this fact.

26. The Committee's allegations that Uzbek authorities do not carry out timely and effective investigations of cases of torture are thus unfounded.

Paragraph 10

Definition of torture and amnesties for torture

27. Analysis shows that the content of article 235 of the Criminal Code is as similar as possible to the text of article 1 of the Convention in its interpretation of "torture and other cruel, inhuman or degrading treatment or punishment". The difference is that article 1 of the Convention does not restrict the categories of offenders, whereas article 235 of the Criminal Code specifies only officials conducting preliminary inquiries and pretrial investigations, procurators and other employees of law enforcement bodies and correctional institutions, which reflects the specific nature of the system for combating torture in Uzbekistan.

28. Discussions are currently being held on the adoption of measures to bring article 235 of the Criminal Code fully into line with article 1 of the Convention, towards the further integration of international law into national legislation and in order to reflect best practice from abroad.

29. The granting of amnesty does not revoke the criminal statute assigning liability for the specific offence, nor does it annul the court's sentence; it only mitigates the impact on convicts and offenders. Amnesties are granted only for specific categories of convicts or persons who have committed certain categories and types of offence. These persons are absolved from criminal liability, exempted from serving their sentence or have their sentence reduced.

30. It is noted in amnesty decrees that the validity and grounds for any such provisions are not extended to offenders who have committed offences as part of organized groups; those who have perpetrated especially serious offences; and persons who are recognized as particularly dangerous repeat offenders.

31. The issue of the appropriateness of granting amnesties to individuals found guilty of torture is due to be considered at a session of the Academic Coordination Council of the

National Centre for Human Rights of Uzbekistan, with the participation of members of parliament, senators and representatives of the judiciary and law enforcement agencies.

Paragraph 11

The events in Andijon in 2005

32. In addition to disagreeing with the Committee's allegations concerning the events in Andijon in 2005, Uzbekistan points out that, as a sovereign and independent State with supreme State authority in both its domestic and its foreign policy, it has taken the necessary steps to investigate the crimes committed in Andijon in May 2005, prosecuting and sentencing those responsible, as it informed the international community in detail during the period 2005–2007.

33. In accordance with the norms of international law, an international inquiry is carried out when the State itself so requests due to the inability of the local authorities to do so or to the collapse of the State or if the situation that has arisen directly affects the maintenance of international peace and security.

34. Uzbekistan has repeated this reasoning several times at all the international occasions where the consequences of the Andijon events have been discussed.

35. In addition, the European Union twice (11–16 December 2006 and 1–4 April 2007) sent delegations to Uzbekistan to visit locations connected with the tragic events and held direct talks with convicts and witnesses after consulting material from the investigation and the trial.

36. On this basis, it is not appropriate to carry out independent investigations into the events in Andijon, as it runs counter to the universally accepted international principle of the non-intervention of a State in the domestic affairs of another State.

37. Moreover, on 27 October 2009, the European Union External Relations Council decided to completely lift the restrictive measures against Uzbekistan adopted in 2005 in connection with the Andijon events.

38. It should be noted that the use of force by the Government against the terrorists was proportional, since the fighters were well armed with different kinds of firearms.

Paragraph 12

Sexual violence

39. The following should be noted in response to the Committee's comments regarding sexual violence.

40. In the case of the rape of Ms. Rayhon Soatova, criminal proceedings were initiated by the procurator's office in Mirzo-Ulugbek district, Tashkent, on 20 November 2009 following a statement made by Ms. G. Nazarova.

41. During the investigations, Ms. Soatova stated that, at 2 p.m. on 9 May 2009, she and her sister, Ms. Nargiza Soatova, were taken to the Mirzo-Ulugbek District Internal Affairs Department; at about 11 p.m. on the same day, Department staff took the Soatova sisters to one of the offices on the second floor of the Department building and harassed them into writing statements confessing to having robbed and assaulted Ms. N. Ashirmetova. At that point, one of the officers of the Criminal Investigations Unit of the Department raped Ms. Rayhon Soatova. However, she did not tell anybody what had happened and was afraid to make a complaint; she became pregnant and then asked that those responsible be brought to justice.

42. Rayhon, Nargiza and Khosiyat Soatova had indeed robbed and assaulted Ms. Ashirmetova, for which the Mirzo-Ulugbek district court sentenced Rayhon and Nargiza

Soatova to imprisonment and Khosiyat Soatova to punitive work. While serving her time at an institution in Zangiota district, on 17 December 2009, Rayhon Soatova gave birth to a baby girl.

43. The criminal case was examined by the Office of the Procurator-General, following which instructions were given for various investigations to be carried out.

44. Specifically, to establish the identity of those involved in the rape of Rayhon Soatova, an identity parade was held involving all the staff who had worked in the Criminal Investigations Unit of the Department between April and December 2009, but Ms. R. Soatova did not recognize anybody and was also unable to point out the office in the Department building where she had supposedly been raped by the police officer.

45. During the criminal investigations, Mr. N. Masharipov and Mr. O. Ruzmatov, with whom Ms. Rayhon Soatova had had sexual relations prior to her detention, were identified.

46. To ascertain the biological father of Ms. Soatova's child, blood samples were taken from 13 Department staff members, Mr. A. Umarkhanov, who was the Tashkent City Internal Affairs Authority prosecutor, Mr. N. Masharipov and Mr. O. Ruzmatov. The DNA test was analysed on 4 December 2009.

47. According to the results of the DNA test, the blood samples of the aforementioned persons sent for analysis do not match the child's DNA and none of the individuals specified are the girl's father.

48. The investigation into the criminal case was suspended under article 364, paragraph 1 (1), of the Code of Criminal Procedure (regarding the failure to identify a person as the accused).

49. With regard to Mutabar Ibrahimovna Tajebaeva, born on 25 August 1962, it was established that she served a sentence at the facility UY-64/7 from 7 July 2006 to 2 June 2008.

50. On 7 July 2006, following her admittance to facility UY-64/7, Ms. Tajebaeva underwent a full medical examination. The doctors recommended that she should be given both outpatient and inpatient professional medical care at the facility. On medical grounds, Ms. Tajebaeva underwent clinical and laboratory examinations, including a Wassermann test, an HIV test, a blood test, urine analysis and biochemical tests.

51. Medical staff at the correctional facilities and Ministry of Health experts repeated the following instrumental tests on Ms. Tajebaeva for purposes of diagnosis and treatment: fluorography and X-rays of the ribcage (no abnormalities were detected), ultrasound of internal organs, electrocardiography, irrigography (examination of the large intestine) and oesophagogastrroduodenoscopy of the stomach and duodenum.

52. The state of Ms. Tajebaeva's health was checked by: a gynaecologist, a dentist, a psychiatrist, a specialist in sexually transmitted infections and skin diseases and a general practitioner. She received treatment for the diseases she had in accordance with the medical indications.

53. While serving her sentence, no unlawful actions, torture, ill-treatment, degrading or other violent acts by the prison administration or any other law enforcement personnel were recorded against Ms. Tajebaeva. No coercive measures whatsoever, including of a medical nature, were used against the convict.

54. She did not submit any appeal concerning forced sterilization to the law enforcement agencies, the Women's Committee of Uzbekistan or other women's organizations.

55. The details of the rapes of Katum Ortikov, Zulhumor Hamdamova and Gulnaza Yuldasheva will be examined by the appropriate law enforcement agencies.

Paragraph 13
Fundamental legal safeguards

56. Uzbek legislation includes guarantees of human rights safeguards in the administration of justice. The rights and responsibilities of accused persons and suspects are set out in articles 46, 48, 50, 51 and 217 of the Code of Criminal Procedure.

57. In accordance with article 217 of the Code of Criminal Procedure, if a person conducting initial inquiries or pretrial investigations, a procurator or a court has applied a preventive measure against a suspect, accused person or defendant in the form of detention, remand in custody or confinement in a medical institution for assessment, he or she must inform a family member of the measure within 24 hours or, in the absence of a family member, relatives or close acquaintances, inform the individual's place of work or study.

58. Under article 46 of the Code of Criminal Procedure, an accused person is entitled to know the exact nature of the accusation, give testimony and explanations concerning the charges, use his or her mother tongue or the services of an interpreter, and conduct his or her own defence, as well as to receive free legal aid, in accordance with articles 49–52 of the Code. The accused is entitled to meet with his or her defence counsel, with no restriction on the length or number of meetings. A detainee or accused person has the right to a defence counsel from the moment of his or her arrest, and to conduct his or her own defence (Code of Criminal Procedure, art. 46). Under articles 24 and 64 of the Code, the person conducting initial inquiries or pretrial investigations, the procurator or the court is required to read suspects and accused persons their rights and give them genuine opportunities to exercise their right to a defence.

59. The regulations governing the procedure for guaranteeing the rights to defence of detainees, suspects and accused persons, drawn up by the Central Investigation Department and the Chamber of Advocates, clearly set out the procedure for engaging lawyers and for their participation in criminal proceedings, the mechanism for the provision of publicly-funded defence and the procedure for waiving the right to a defence counsel, for filing complaints about violations of the right of detainees, suspects and accused persons to a defence and for drawing up a roster of duty lawyers, including those available at weekends and on public holidays.

60. The right of remand prisoners to contact a doctor of their choice is contained in article 24 of the Health Protection Act.

61. Article 229 of the Code of Criminal Procedure states that detainees should be held in conditions that comply with health and hygiene regulations and that the medical services for detainees and health care in premises where they are held should be organized and dispensed in accordance with the law.

62. Under a joint order of 15 February 2000 issued by the Minister of Internal Affairs and the Minister of Health on measures to enhance the effectiveness of medical services for detainees and prisoners, persons held in correctional facilities and remand centres are provided with inpatient and outpatient medical diagnosis and consultations.

63. In order to ensure independent monitoring in prisons (in addition to procuratorial oversight), the procedures for parliamentary oversight by the Human Rights Commissioner (Ombudsman) of the Oliy Majlis (the Supreme Assembly of Uzbekistan), and the committees of the Legislative Chamber and the Senate (the lower and upper houses respectively of the Oliy Majlis) have been set out in legislation.

64. The Ministry of Internal Affairs places special emphasis on: training and further study for internal affairs officials; study meetings on the protection of civil rights, drawing officers' attention to respect for the honour and dignity of the individual and compliance with the law, in strict accordance with criminal procedural and criminal enforcement

legislation; the prevention of violations of legality in any form; and the examination of international standards ratified by Uzbekistan relating to the protection of citizens' rights and interests.

65. When performance reviews are carried out at the time of appointments, transfers or promotions, the performance review board pays particular attention to officers' professional training and their appropriate knowledge of the international instruments ratified by Uzbekistan and of the progress of the judicial and legal reforms being implemented in Uzbekistan.

66. In the Ministry, a special operations service (the Special Staff Inspection Unit) directly answerable to the Ministry of Internal Affairs, monitors compliance with the law, and identifies and prevents violations of human rights and freedoms and unlawful activities by internal affairs officers.

67. Under a Ministry of Internal Affairs special order of 24 February 2010, telephone hotlines were set up in all the Ministry's subdivisions and local offices and instructions were drafted and approved on their installation and on how to receive, record and verify information received on them. Altogether, there are 481 hotlines in internal affairs agencies.

68. The question of investigative bodies videotaping all interrogations is being reviewed by the relevant law enforcement agencies.

Paragraph 14 **Independence of lawyers**

69. The Committee's allegations regarding the independence of the Chamber of Advocates from the Ministry of Justice does not reflect reality.

70. The Chamber of Advocates is a non-profit organization founded on the premise that membership should be mandatory for all lawyers in Uzbekistan.

71. The Chamber functions under the principle of non-interference in lawyers' work carried out in compliance with the law.

72. The decision to suspend or terminate licences is taken by the judicial body which issued the lawyer's certification.

73. A judicial body's decision to suspend a licence may be appealed in court.

74. In accordance with article 7 of the Bar Act, lawyers are obliged to undertake further training away from their normal work duties and on a full-time basis at least once every three years. The duration of such training may not be less than two weeks; cases where lawyers refuse to undertake such training or do not pass the subsequent test shall be reviewed by the certification board of the relevant local office of the Chamber of Advocates. Violation of the legislative requirements governing the legal profession by a lawyer failing to undertake further training for three successive years is considered grounds for revoking his or her licence to work as a lawyer, in accordance with the procedure established by law.

75. These provisions were codified as law because of the need to enhance the level of lawyers' professional training and ensure the effectiveness of legal assistance provided to the public.

Paragraph 15 **Application of habeas corpus provisions**

76. A specific model for the application of habeas corpus provisions in Uzbekistan has been drafted and has entered into effect.

77. It should be noted that by law detainees may be held for no more than 72 hours. Formal charges must be brought before the end of the detention period if there are grounds to do so; the charges against the person must be read out and he or she must be interrogated in the manner prescribed by articles 109–112 of the Code of Criminal Procedure. The decision on whether to impose a preventive measure is taken in line with articles 236–240 of the Code. The grounds and procedure for releasing a detainee are specified under article 234 of the Code.

78. In addition, in accordance with article 243 of the Code of Criminal Procedure, remand in custody may be used as a preventive measure only in the case of a detained suspect or person against whom formal charges have been brought.

79. Under the circumstances provided for by law, where remand in custody is selected as a preventive measure during the pretrial investigation, the procurator or an investigator who has the procurator's consent may submit an application to that effect.

80. Once the procurator has checked the justification for applying for remand in custody and approved it, he or she submits the application and the necessary case file to the court. If the application is made in respect of a suspect or accused person who is currently detained, the writ and the case file referred to above are to be submitted to the court no later than 12 hours prior to expiry of the detention period.

81. The application for the use of remand in custody as a preventive measure is considered in camera within 12 hours of receipt of the case file but no later than the maximum detention period.

82. An application for the use of remand in custody as a preventive measure is considered with the participation of the procurator and the defence counsel — if counsel is involved in the proceedings — and the detained suspect or accused person. The detained suspect or accused person is brought before the court. The legal representative of the suspect or accused and the investigator may take part in the hearing.

83. Of all the applications made to the courts for the use of remand in custody as a preventive measure, 83 per cent were examined with the defence counsel in attendance and, in the remaining cases, in which the suspect or accused person was absent (had absconded), the application was examined without the defence counsel's participation.

84. A judge's decision to order or refuse the use of remand in custody as a preventive measure takes effect from the moment it is issued and is subject to immediate enforcement. The decision is sent to the procurator for enforcement and to the suspect or accused person and the defence counsel for information. The judge's decision may be appealed against or contested under the procedure described in the second paragraph of article 241 of the Code of Criminal Procedure.

85. Consequently, given that during the period of detention, the person conducting initial inquiries or pretrial investigations performs work related to gathering evidence to confirm or refute the suspect's involvement in the offence committed and should resolve the matter of whether preventive measures are to be applied or the detainee released, the inclusion in the Code of Criminal Procedure of a period of 72 hours of detention is fully justified and is not inconsistent with article 9 of the International Covenant on Civil and Political Rights, which does not provide for specific periods of detention but mentions only that the detainee should be brought promptly before a judge.

86. As part of the continuing reform of the judicial and legal system, discussions are planned on the mandatory participation of a lawyer in hearings dealing with the application of remand in custody as a preventive measure.

Paragraph 16**Evidence obtained through torture**

87. The inadmissibility of evidence obtained through torture has been enshrined in the country's legislation.

88. Pursuant to article 88 of the Code of Criminal Procedure, the rights and legal interests of individuals, enterprises, institutions and organizations must be upheld during the collection, verification and evaluation of evidence.

89. In obtaining evidence, it is prohibited:

- To perform acts that endanger human life or health or that humiliate or demean;
- To solicit testimony, explanations or conclusions, to perform experiments, or to prepare and circulate documents or objects using violence, threats, deception or other unlawful means;
- To conduct investigative operations at night, i.e. between 10 p.m. and 6 a.m., except where necessary to stop the preparation or commission of an offence, to prevent possible loss of evidence of an offence or the flight of a suspect, or to stage a re-enactment, for experimental purposes, of an incident that is being investigated.

90. Pursuant to article 94 of the Code of Criminal Procedure, a decision in a case may be based only on evidence that has been subjected to thorough, full, comprehensive and objective verification. Verification consists in the collection of additional evidence that corroborates or disproves the evidence being verified.

91. Evidence is admissible if it is gathered in accordance with established procedure and meets the requirements of articles 88, 90 and 92–94 of the Code of Criminal Procedure.

92. On 19 December 2003, the plenum of the Supreme Court, the highest body of the court of general jurisdiction, publicly and officially condemned torture in criminal proceedings. The decision it adopted on the application by the courts of laws safeguarding the right of suspects and accused persons to a defence drew the attention of the agencies responsible for conducting initial inquiries and pretrial investigations and of the courts to the need for strict observance of both international law and national law relating to human rights in their handling of criminal cases, in particular in respect of the right to freedom and the inviolability of the person.

93. The plenum noted that charges cannot be based on evidence obtained through the use of torture, violence, threats, deception, other cruel or degrading treatment or other illegal means, or in breach of the right of a suspect or an accused person to a defence. Persons conducting initial inquiries or pretrial investigations, procurators and judges must always ask individuals brought before them from remand centres about their treatment during the initial inquiry and pretrial investigation and about the conditions in which they have been held. Any report of torture or other illegal methods of inquiry or investigation must be thoroughly checked by forensic examination and other means, and procedural and other legal action must be taken on the findings, up to and including the institution of criminal proceedings against officials (paragraph 19 of the decision).

94. The decision adopted by the plenum of the Supreme Court on 24 September 2004 on certain issues arising in the application of criminal procedural law relating to the admissibility of evidence provides that evidence obtained by a person conducting an initial inquiry or pretrial investigation, a procurator or a judge who, for whatever reason, deviates from strict observance of and compliance with the rules of law, is to be considered inadmissible. The plenum drew the courts' attention to the need to respond to any violations of the procedural law governing the collection of evidence by adopting specific rulings on

the matter and, where necessary, determining whether to bring criminal proceedings against the guilty parties.

95. The Supreme Court consolidated judicial practice in criminal cases brought and considered under article 235 of the Criminal Code, as a result of which the plenum of the Supreme Court adopted a decision on judicial practice in the hearing of criminal cases involving the use of torture and other cruel, inhuman or degrading treatment or punishment referred to in article 235 of the Criminal Code. The decision stated that the courts must respond by adopting specific rulings in respect of law enforcement officers who have permitted violations of the law.

96. It should be noted that, under article 273 of the Code of Criminal Procedure, if the grounds for bringing criminal charges against an individual for the commission of an offence against justice (including for cases in which judges have found visible signs of the ill-treatment of detainees) are established during trial or the review of a case in an appeal, cassation or supervisory court, the court should notify the procurator of that fact to help determine whether to institute criminal proceedings with the relevant case file.

97. Discussions are currently under way on the production of court statistics on cases that have been forwarded for further investigation so as to determine whether to institute criminal proceedings in the cases mentioned above.

Paragraph 17

Independent complaints mechanism

98. The Committee's allegation that efforts against torture are ineffective owing to the lack of an independent mechanism for reviewing complaints about torture is unfounded.

99. In Uzbekistan, improvements have been made to the following channels for protecting and redressing the violated rights of citizens, including those of torture victims and witnesses of offences:

- First, filing complaints with the appropriate government agencies, which receive, consider and authorize citizens' complaints in accordance with established procedure by verifying the allegations made and then informing the applicants in writing as to the action taken to redress their rights (administrative protection). The Citizens' Appeals Act prohibits the forwarding of complaints to the agencies whose decisions and actions are concerned and prohibits the disclosure of information regarding the private life of citizens and the victimization of them or their families for lodging a complaint. Government agencies examining complaints must ensure that the applicant is accorded the right to engage the services of a lawyer or a representative, take immediate action to stop unlawful acts or omissions and take steps to see that the applicant is compensated for any harm or emotional distress resulting from the violation of his or her rights, freedoms and legal interests;
- Second, judicial recourse in cases regarding unlawful conduct or decisions on the part of government agencies and officials (judicial protection);
- Third, application to the procuratorial authorities, which monitor compliance with the law by ministries, departments, companies, institutions and organizations and regional chief administrators (*khokims*), as well as overseeing the conduct of preliminary criminal investigations and the detention of citizens in correctional facilities. Procuratorial authorities consider applications and complaints from citizens and implement measures to redress their violated rights. Where there are sufficient grounds for doing so, a procurator is entitled to instigate criminal or administrative proceedings against persons who have permitted violations of human rights, as well as to institute and pursue court action if the citizen whose rights were

violated is personally unable, on grounds of health or age, to assert his or her rights in court;

- Fourth, recourse to judicial bodies authorized to protect the human rights and freedoms enshrined in the Constitution and laws of Uzbekistan by way of objective and comprehensive consideration of citizens' complaints regarding violations of their constitutional rights and freedoms and responding to them in accordance with legislation;
- Fifth, the filing of complaints with the Human Rights Commissioner (Ombudsman) of the Oliy Majlis concerning the violation of civil rights and freedoms in cases where a citizen has used the aforementioned remedies and mechanisms for protecting his or her rights (extrajudicial protection). The Ombudsman is entitled to consider complaints lodged by Uzbek citizens, foreign nationals resident in Uzbekistan and stateless persons and to investigate such complaints. The Ombudsman does not consider cases falling within the jurisdiction of the courts. After verifying the claims made by the applicant, the Ombudsman submits conclusions to the appropriate government agency with recommendations on how to redress the infringements of the applicant's rights;
- Sixth, petitions to NGOs which are entitled to protect the rights of their members (participants) in accordance with their charters. The tasks of the National Association of Non-Governmental Non-Profit Organizations include providing comprehensive assistance to NGOs, promoting their statutory activities and enhancing their role in all areas of society. When addressing its members' questions and problems, the Association enters into discussions with executive and administrative authorities, thereby developing and improving the mechanism for cooperation between NGOs and the authorities and acting as intermediary and guarantor of its members' rights.

100. Article 241-1 of the Code of Criminal Procedure, on intentional concealment of an offence, is an important guarantee of citizens' rights to submit applications. It provides that the intentional omission of an offence from the register by a public servant whose official duties include the receipt, registration or review of complaints, communications and other information on offences is punishable with a fine of 50 to 100 times the minimum wage or punitive deduction of earnings for up to 3 years or deprivation of liberty for up to 5 years.

101. Parliament is currently considering a bill on applications by physical and legal entities which will make it possible to strengthen the legal guarantees for the exercise of a citizen's constitutional right to submit applications to government bodies. A major factor in improving citizens' access to the State bodies' informational resources will be the adoption of laws on the transparency of the activities of government and administrative bodies and on public oversight.

Paragraph 18

Independent monitoring of places of detention

102. The Committee's allegation that there is no independent and regular monitoring of places of detention in Uzbekistan is not justified.

103. Independent regular monitoring of places of detention is carried out primarily by the Human Rights Commissioner of the Oliy Majlis (Ombudsman).

104. The Ombudsman, alongside representatives of international NGOs, visits places of deprivation of liberty with the aim of guaranteeing convicts' rights and finding out about the conditions under which sentences are served. The Ombudsman visited five prisons in 2011; four in 2012; and four in 2013.

105. To assist the Ombudsman in implementing parliamentary oversight of the observance of the rights of convicts held in prisons, draft instructions No. 16 of 18 April 2012 have been drawn up in collaboration with the Central Penal Correction Department of the Ministry of Internal Affairs to set out the procedure for the regional representative of the Ombudsman to carry out prison visits.

106. Regulations on a national preventive mechanism for the protection of convicts' rights are currently being drafted by the Ombudsman, the National Centre for Human Rights and a number of NGOs.

107. Prisons are also visited by representatives of international and foreign organizations: foreign diplomatic missions visited 26 prisons in 2011, 19 in 2012 and 12 in 2013; a European Union project visited 2 prisons in 2012 and 1 in 2013; the International Committee of the Red Cross visited 41 facilities in 2011 and 14 in 2012; and other international organizations made 2 visits in 2011, 6 in 2012 and 7 in 2013.

108. Prison visits by observers from international human rights organizations or NGOs have never been refused, except in cases where the dates announced for the visits coincided with public holidays or where other events and visits had been scheduled in advance.

109. The active participation of NGOs in the monitoring of prisons will be promoted in the Public Oversight Act, the Social Partnership Act and the Act on the Transparency of the Activities of Government and Administrative Bodies, which are currently under review by the Legislative Chamber of the Oliy Majlis.

Paragraph 19 **Conditions of detention**

110. Particular attention is paid in the Uzbek penitentiary system to human rights, compliance with the rule of law and the prevention of unlawful acts against persons held in correctional facilities.

111. Penitentiary system staff act strictly in line with their professional duties, observing the provisions of the law and the regulations on the treatment of convicts and Uzbek citizens.

112. In all prisons, medical assistance is available around the clock and the medical department has inpatient and outpatient services. Medical departments are equipped with the requisite medical apparatus and technical equipment and have a sufficient amount of medicine and number of qualified medical staff.

113. With regard to the closure of the penal colony in Jaslik, it should be taken into account that over one quarter of the inmates at the facilities had, prior to their detention, been living in the Republic of Qoraqalpog'iston or Xorazm province, where there are no penal colonies. It is considerably cheaper and easier for the relatives of these inmates to reach the Jaslik colony than facilities in other regions of Uzbekistan.

114. In addition, Uzbekistan does not agree with the conclusion that the detention conditions in this colony amounted to "cruel, inhuman and degrading treatment or punishment for both its inmates and their relatives", especially since this was not supported by any specific data.

115. The prison was visited on two occasions by representatives of the British, German, French and Dutch embassies. One of the visits was led by the Italian Ambassador, Mr. Angelo Persiani, with the participation of Mr. Martin Hecker, Ambassador of Germany; Mr. Adam Noble, Chargé d'affaires of the British Embassy; Mr. G. Gali, Attaché at the French Embassy; Mr. Thymen Antoni Kouwenaar, Councillor at the Netherlands Embassy; and Mr.

Raban Richter, Attaché at the German Embassy. The prison was visited by journalists from Agence France-Presse, Associated Press, Reuters and BBC radio.

116. The facilities were also visited by the head of the political and economic affairs department at the American embassy in Uzbekistan, Ms. S. Curran; the head of the Freedom House office in Uzbekistan, Ms. Mjusa Sever; the United Nations High Commissioner for Human Rights regional adviser for Central Asia, Mr. Rein Müllerson, and by delegates of the International Committee of the Red Cross in 2010–2013.

Paragraph 20

Redress for victims of torture

117. Uzbek legislation includes provision for compensation for victims of crimes, including torture.

118. The procurator must either bring or support a civil case, or else declare an objection to it, if such is required for the protection of State or public interests or citizens' rights and legitimate interests (Code of Criminal Procedure, art. 279).

119. The procedure for civil cases during the initial inquiry, pretrial investigation and trial is set out in the Code of Criminal Procedure. If procedural issues arising in relation to the civil case are not covered in the Code, the regulations of the legislation on civil procedure are applied, provided that they do not contradict the principles of criminal proceedings (Code of Criminal Procedure, art. 280).

120. In addition, under article 991 of the Civil Code, officials are liable for the harm caused to a citizen by unjust conviction, unlawful prosecution, unlawful preventive detention or extraction of a pledge of good conduct, or unlawful detention as an administrative penalty; the State will pay full compensation as prescribed by law irrespective of whether the guilty parties were officials conducting the initial inquiry or pretrial investigation or were employed by the procuratorial authorities or the courts. The court may decide to make the officials who caused the harm responsible for the compensation.

121. Harm caused to a citizen or a legal entity as a result of other illegal activities by the initial inquiry, investigation or procuratorial authorities or the court shall be compensated in accordance with standard procedure, unless otherwise provided by law.

122. Moreover, under article 1001, paragraph 3, of the Civil Code, the State has the right, once it has paid compensation for damage caused by officials of the entities conducting preliminary inquiries or pretrial investigations, the procuratorial authorities or the courts, to sue those officials in turn if their guilt has been established in an enforceable court judgement.

123. On the basis of article 1003 of the Civil Code, to meet the requirements on compensation, the court, depending on the circumstances of the case, may oblige the person responsible for the damages to provide compensation in kind (provide something of the same kind and quality, repair the damaged item, etc.) or repay any losses incurred.

124. In addition, in line with article 1021, paragraph 2, of the Civil Code, compensation is granted for moral harm irrespective of whether guilt can be established, whenever harm is caused to a citizen as a result of: an unlawful conviction; unlawful criminal prosecution; unlawful remand in custody as a preventive measure or the extraction of a pledge of good conduct; unlawful administrative penalties; unlawful imprisonment; and in other cases provided for by law.

125. Efforts are currently being made in Uzbekistan to: improve the element of judges' training programmes focusing on compensation for harm as a result of torture; draw up a

decree to be issued by the plenum of the Supreme Court relative to this matter; and consider launching a special fund to provide assistance to those who have suffered as a result of a crime.

Paragraph 21

Independence of the judiciary

126. The Committee's allegation that the judiciary is weak, inefficient and influenced by the executive is dubious.

127. Under Uzbek legislation, it is not permitted to intercede in the work of judges in the administration of justice.

128. Influencing judges in any form whatsoever, with the aim of obstructing the comprehensive, full and objective consideration of a case or obtaining an unlawful judicial decision is punishable under criminal law.

129. It is prohibited to request a judge to explain or provide information on the substance of examined or pending issues otherwise than in the cases and the manner provided by law.

130. In their coverage, the media do not have the right to prejudge the outcome of judicial proceedings in specific cases or otherwise influence a court.

131. Higher courts do not have the right to administer the affairs of lower courts or to interfere in the consideration of cases; any judge is completely impartial and independent in his or her decisions on cases. Higher courts exercise judicial supervision over the work of lower courts only in procedural matters, when reviewing cases in the appeal, cassation or supervisory courts.

132. Court proceedings are conducted only on the basis of the law and in accordance with the procedures prescribed in the legislation on criminal, civil and economic procedure, without any kind of outside influence.

133. Court decisions are based on law, are binding and may be reviewed by the appeal, cassation or supervisory courts in the prescribed manner.

134. Under article 11 of the Courts Act, the work of the courts of general jurisdiction and the economic courts has been organized in line with the principles of the independence of judges and their subordination solely to the law and to the Higher Judicial Selection Advisory Commission, attached to the Office of the President.

135. The funding and technical and administrative support of the courts of general jurisdiction are the responsibility of the Department for the Enforcement of Judicial Decisions and Logistical and Financial Support for the Work of the Courts, attached to the Ministry of Justice.

136. Article 75 of the Courts Act establishes that a judge's earnings consist of a base salary and a supplement for the level of qualifications and the length of service, in amounts set by law.

137. The life and health of judges are under the special protection of the State and judges benefit from mandatory State insurance financed from public funds.

138. The structure and composition of the Supreme Court, military courts and economic courts are approved by the President on the proposal of the President of the Supreme Court or the President of the Higher Economic Court, as applicable.

139. To improve the social protection of judges and create the conditions necessary for an independent judiciary, the Presidential Decree on the fundamental improvement of the social protection of judicial system employees was adopted on 2 August 2012.

140. The procedure for selecting and nominating judges is regulated by article 63 of this Decree, which establishes that judges of the Supreme Court and the Higher Economic Court are elected by the Senate following a proposal by the President.

141. Judges of the courts of the Republic of Qoraqalpog'iston are elected or appointed by the Jokargy Kenes (parliament) of the Republic of Qoraqalpog'iston, on the proposal of its President, and as agreed beforehand with the President of Uzbekistan. The matter is submitted for agreement with the President of Uzbekistan on the basis of the conclusion of the Higher Judicial Selection Advisory Commission, attached to the Office of the President.

142. The judges of provincial courts, Tashkent municipal courts, inter-district and district (municipal) courts, military courts and economic courts of the provinces and of the city of Tashkent are appointed by the President of Uzbekistan following a proposal by the Higher Judicial Selection Advisory Commission.

143. The Presidential Decree of 30 November 2012 on organizational measures for the further improvement of the work of courts covered initiatives to further improve the system of selecting court personnel. The Higher Judicial Selection Advisory Commission, jointly with the Supreme Court, the Higher Economic Court and the Ministry of Justice, was given responsibility for ensuring a qualitative improvement in the professional capacities of persons on the roster or nominated for the first time as judges, as well as for undertaking integrated measures to strengthen the guarantees of service and career progression for judges and of their social protection mechanisms, including during reassignments and employment assistance at the end of their service.

144. On 28 February 2013, the Higher Judicial Selection Advisory Commission adopted rules on ethical behaviour for judges to reflect the most important requirements for judges' professional and personal qualities.

Paragraph 22

Forced labour and child labour

145. The fourth national report details the measures the country is taking to combat forced and child labour.

146. Uzbekistan has ratified 13 International Labour Organization (ILO) treaties, including 7 of the 8 fundamental ILO Conventions, notably those on forced labour and the prevention of the worst forms of child labour.

147. Organizational and legal foundations, developed in accordance with international norms and standards, have been laid for implementation of the provisions of the ILO Conventions that have been ratified.

148. Following the ratification in 2008 of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), the Cabinet of Ministers approved a national plan of action for their implementation.

149. Annual reports on the measures taken by Uzbekistan to eliminate the worst forms of child labour were sent in August 2012 and February and April 2013 by the Ministry of Foreign Affairs to ILO member countries. The topic was also discussed and reported on to relevant countries during diplomatic meetings with representatives of international organizations and embassies.

150. Furthermore, the Council of the Federation of Trade Unions of Uzbekistan adopted the 2013–2014 Joint Initiatives Plan as part of its cooperation with ILO, specifically through the Bureau for Workers' Activities (ACTRAV) and the Country Office for Eastern Europe and Central Asia.

151. Practically all cotton is picked by farmers who own their land and have no economic interest in the mass recruitment of children for cotton-picking.

152. The recruitment of children of 15 years of age and those in secondary specialized vocational colleges is permitted before the end of their studies, including for agricultural work, exclusively: for work experience and career guidance on a voluntary basis; with the consent of their parents or guardians; and as part of accredited professional training programmes in compliance with the restrictions prescribed by law.

153. By recruiting children over 15 years of age for voluntary work, manufacturers of agricultural and farm-produced goods commit themselves to obligations governing decent pay; compliance with legislation for workers in the specific category of work regarding working and rest hours; safe working conditions; and the provision of proper hot food and necessary medical services, as provided for in the Labour Code.

154. The recruitment of children, including for work in family enterprises or farms, is permitted only outside of school hours and should not disrupt the full education of children in comprehensive and secondary specialized vocational schools, nor their overall school curriculum studies.

155. In Uzbekistan, no one may compel children in any way to work, including by means of threats of punishment of the children or their parents, and such behaviour is prosecuted under national legislation.

156. A programme of initiatives to ensure decent work conditions is currently being drafted, providing for improvements to the national labour policy; the further ratification of ILO conventions; and the creation of mechanisms for the introduction of international and national labour standards, including for the effective monitoring of the situation concerning forced and child labour.

Paragraph 23

Situation of refugees and non-refoulement

157. Uzbekistan pursues a policy of prohibiting the expulsion, return (refoulement) and extradition of persons to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture.

158. In order to specify clearly the rules for international cooperation on these issues, a new section 14, on "International cooperation in criminal proceedings", was added to the Code of Criminal Procedure on 28 September 2010. Issues relating to the extradition of persons who have committed an offence under article 235 of the Criminal Code are dealt with in accordance with the procedure set out in the aforementioned section of the Code of Criminal Procedure.

159. In accordance with section 14 of the Code of Criminal Procedure, the extradition of persons to foreign States is handled by the Procurator-General of the Republic of Uzbekistan.

160. A decision by the Procurator-General or his or her deputy to extradite a person situated in Uzbekistan may be appealed by that person or his or her defence counsel before the Supreme Criminal Court of the Republic of Qoraqalpog'iston, a provincial criminal court or the Tashkent city criminal court, depending on where the person sought is being held on remand, within 10 days of receiving written notification.

161. An appeal against a decision of the Procurator-General or his or her deputy to extradite a person situated in Uzbekistan is heard within 10 days of the court's receiving it by three judges at a public hearing attended by a procurator, the person who is the subject of the extradition decision and his or her defence counsel, if any.

162. Pursuant to article 603 of the Code of Criminal Procedure, extradition of a person situated in Uzbekistan to a foreign State is not permitted if:

- The person sought is a national of Uzbekistan;
- The offence in connection with which extradition is sought was committed on Uzbek territory or against Uzbek interests outside Uzbek territory;
- A final sentence or court ruling or unrevoked decision of an authorized official not to institute criminal proceedings or to terminate them is in place in Uzbekistan in respect of the person sought and for the same act;
- The request is made on the grounds of an act that is not an offence under Uzbek law;
- The statute of limitations has expired or there are other legal grounds under Uzbek law, in which case criminal proceedings may not be brought or must be terminated, or a sentence may not be executed;
- The person sought is being prosecuted for the same act in Uzbekistan;
- The person sought has been granted asylum in Uzbekistan because of the possibility of persecution in the requesting State for reasons of race, religion, citizenship, ethnicity, membership of a particular social group or political opinion.

163. Extradition of a person situated in Uzbekistan for the purpose of enforcing a sentence handed down against that person in absentia may be refused if there are grounds to believe that the convicted person did not have sufficient opportunity to exercise his or her right to a defence. The person is extradited if the foreign State requesting extradition guarantees the convicted person the right to be retried in his or her presence.

164. With regard to paragraph 23 of the Committee's observations, analysis has shown that, since the Office of the United Nations High Commissioner for Refugees (UNHCR) opened an office in Uzbekistan in 1993, its main tasks have been to organize the repatriation of Tajik refugees from Afghanistan and Turkmenistan and to provide humanitarian assistance to Afghanistan. Although Uzbekistan has not acceded to the 1951 Convention relating to the Status of Refugees or the 1967 Optional Protocol thereto, it has fully supported and assisted the UNHCR office in Tashkent in the performance of its functions.

165. Stabilization of the situation in Tajikistan and the cessation of hostilities in Afghanistan facilitated the conclusion of the active phase of UNHCR operations in Uzbekistan, which ceased in April 2006.

166. The strengthening of international cooperation to provide humanitarian assistance to temporarily displaced persons, including children and their families, with a view to their voluntary and safe return to their homes, is characteristic of the peace-loving tradition of Uzbekistan. This tradition was most clearly in evidence during the tragic events of 11–15 June 2010 in southern Kyrgyzstan, as a result of which around 100,000 people were temporarily received and housed in Andijon, Namangan and Farg'ona provinces in Uzbekistan.

167. The recommendation of the Committee against Torture, in which the Committee encourages Uzbekistan to accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, has been studied. The outcome is set out below.

168. Pursuant to the 1951 Convention relating to the Status of Refugees, contracting States are obliged to grant refugees the same rights and opportunities as are granted to their own nationals with respect to, inter alia, employment, the practice of liberal professions, the provision of food, housing, free education, social security and labour protection. States that accede to the Convention undertake to cooperate with UNHCR, to report to it regularly on

the condition of refugees, to provide the necessary information, to bring their legislation into line with the Convention and to create the infrastructure necessary to safeguard the rights of refugees.

169. The content of the Convention relating to the Status of Refugees shows that the country's legal, institutional and socioeconomic systems are still not ready for the Convention to be ratified. However, given the country's geographical location and the current situation in neighbouring Kyrgyzstan, where there are ongoing armed conflicts and from where there is a mass influx of refugees into Uzbekistan, the feasibility of drawing up a bill on refugees is currently under consideration.

Paragraph 24

Forced sterilization of women

170. The Committee's assertion that women who have children are being subjected to sterilization without their consent does not reflect reality.

171. Voluntary surgical contraception is not the most prevalent method of contraception in Uzbekistan. It is administered on a voluntary basis following a consultation with a specialist, with the written consent of both spouses, and on completion of an informed consent form.

172. A voluntary surgical contraception procedure is thus carried out only when the woman and her husband are fully informed, an individualized approach is adopted to take account of the needs and wishes for the operation in each specific case, and it will help to improve the woman's quality of life.

173. The Reproductive Health Act is currently being drafted to regulate women's rights in the area of reproduction.

174. It should also be emphasized that no investigations have been carried out into the forced sterilization of women in Uzbekistan, since the law enforcement agencies, the Women's Committee of Uzbekistan and other women's organizations have not received any claims or complaints on the matter.

175. The Uzbek Government pays particular attention to the promotion of maternal and infant health, which is one of the priorities of the health-care system reform. The country runs a number of large-scale government programmes centred on improving women's health, ensuring safe motherhood and the birth and upbringing of a healthy young generation and fostering an enhanced awareness of health in families. Recognizing the fundamental rights of women and couples to free and responsible decision-making in the birth of their children, the State provides the services required for creating a healthy family.

Paragraph 25

Violence against women

176. The Committee's allegations that the State does not pay sufficient attention to the rape of women are not justified.

177. Internal affairs bodies, the Women's Committee of Uzbekistan, conciliation commissions in clubs and associations and other voluntary organizations systematically review the family environment and relevant measures are taken to prevent physical and psychological abuse of women.

178. The courts have heard 1,527 criminal cases concerning 1,598 individuals; convictions have been handed down for the commission of crimes related to domestic violence in 655 of those cases concerning 684 individuals; and 52 criminal cases concerning 57 individuals have been halted through the granting of an amnesty.

179. The courts have fined 79 individuals convicted of this category of crime and approved compulsory medical treatment for 14 individuals in 13 criminal cases.

180. The penalty of punitive deduction of earnings has been applied to 318 convicts; short-term rigorous imprisonment to 10 individuals; and deprivation of liberty to 235 individuals; 33 convicts have been exonerated from their sentence; and 5 have been released from punishment following the granting of amnesty.

181. A national centre for social and legal assistance to women and their families has been established in Tashkent, under the Women's Committee, while across the country there are 10 major centres for the social adaptation of women and their families in Uzbekistan, which provide counselling and legal and social assistance to victims of violence and also support women's training and employment (Andijon, Namangan, Farg'ona, Jomboy, Qashqadaryo, Surxondaryo, Jizzakh, Paxtakor, Xorazm, Navoiy and Sirdaryo). Almost all these centres have a telephone helpline.

182. Practically all the centres have shelters – Keuil Nury in the Republic of Qoraqalpog'iston; Mekhrimiz Sizga in Andijon province; Kalb Nuri in Jizzakh province; Kalb Mekhri in Qashqadaryo province; Aellar Salomatlik Va Guzallik in Surxondaryo province; and Mekhrzhon and Kalb Nuri in the provinces of Farg'ona valley. These shelters offer women free advice; provide legal, medical, consultative and rights-based support in the courts; help them acquire professional skills; and recruit women for various instructional training programmes.

183. Information campaigns and educational activities on gender equality in all aspects of society are considered extremely important ways of raising the level of awareness among the public and representatives of local and central government, judges and law enforcement agencies. These efforts attract practically all government agencies, including parliament, NGOs, clubs and associations, educational institutions focusing on law and citizens directly.

184. Informed by the experiences of other countries, drafting has begun on a framework law on the prevention of domestic violence.

185. The law proposes sharpening the definition of "domestic violence" and setting out the State's position with regard to violence and its main guiding policies in that area. The law is due to encompass the following:

- Condemnation of violence in all branches of State power;
- Ratification of international instruments on the subject;
- Inquiries into cases of violence and action against guilty parties;
- Access to justice and legal protection for victims of violence;
- Provision of information to women on their rights to defence, including with regard to compensation;
- Drafting of a national action plan on the issue;
- Provision of legal, medical, psychological and other assistance to victims of violence by establishing specialized training programmes, services and agencies;
- Training of persons specialized in the prevention and elimination of violence, including in law enforcement agencies;
- Introduction of relevant educational programmes;
- Facilitation of the collection, analysis and compilation of statistical and analytical information to identify reasons and circumstances that contribute to violence against women;

- Promotion of the activities of NGOs, clubs and associations in the relevant field.

186. Law-based methods for countering violence against women and domestic violence should not be limited to the adoption of a single basic law. The need is therefore being considered for improvements to the Family Code, the Criminal Code and the Code of Administrative Responsibility, as well as the adoption of a law on guarantees of equal rights and opportunities for men and women, which would be a framework document for gender equality.

Paragraph 26

Cooperation with United Nations human rights mechanisms

187. It should be stressed that the Committee's allegation that Uzbekistan had refused to accept the requests of United Nations special rapporteurs, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, is inaccurate and prejudiced.

188. Firstly, cooperation with United Nations human rights mechanisms is not limited to country visits by United Nations special rapporteurs.

189. Secondly, Uzbekistan does cooperate with them actively by providing detailed information on the country's human rights and freedoms situation each year.

190. Thirdly, the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Mr. Theo Van Boven, has already visited Uzbekistan; regular country visits by the Rapporteur are unnecessary.

191. Fourthly, Uzbekistan considers cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) as a priority. In 2013, Gianni Magazzeni, the Chief of the Americas, Europe and Central Asia Cooperation Branch, and other experts from OHCHR visited the country on several occasions.

Paragraph 27

Training of personnel

192. The Committee did not acknowledge that the fourth periodic report of Uzbekistan and the replies to the additional questions contain a considerable amount of information on educational and awareness-raising campaigns, including on gender equality.

193. In 2013 alone, the Women's Committee held 23 regional seminars on the topics of "strengthening legal guarantees of women's rights in Uzbekistan" and "strengthening legal guarantees of women's rights in family life". At the seminars, discussions were held on the provisions of the bill on guarantees of equal rights and opportunities for men and women and the framework policy for the bill on the prevention of domestic violence. Over 400 chief officers of different local subdivisions took part in the work of the regional seminars, as did representatives of provincial, municipal and district Councils of People's Deputies, representatives of the Women's Committee of Uzbekistan, provincial judicial bodies, the internal affairs bodies, the procuratorial authorities, the courts, the media and NGOs.

194. To implement the Committee's recommendations, a teaching guide, entitled "Methodology for assessing the effectiveness of teaching programmes for law enforcement agencies and courts", is being prepared with the participation of the United Nations Development Programme and foreign experts.

Other issues

Paragraph 28

195. Uzbekistan has reviewed the proposals to recognize the competence of the Committee against Torture in accordance with articles 21 and 22 of the Convention, and considers it inappropriate and untimely to recognize the Committee's competence to receive and consider communications of any State party to the Convention regarding failure to fulfil obligations (art. 21) and to receive and consider communications on behalf of victims of a violation by a State Party of the provisions of the Convention (art. 21) for the following reasons:

- First, Uzbekistan has acceded to the Optional Protocol to the International Covenant on Civil and Political Rights that grants individuals under its jurisdiction the right to petition the Human Rights Committee regarding violations of human rights and freedoms, including torture and ill-treatment (art. 7);
- Second, in the context of the ongoing process of liberalization and humanization of the judicial and legal system and the gradual improvement of the procedures for implementing international standards in justice, there is no need for Uzbekistan to take on additional obligations under articles 21 and 22 of the Convention against Torture.

Paragraph 29

196. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides for the establishment of a system for the monitoring of places of detention by independent international and national bodies for the prevention of torture. The Subcommittee on Prevention was established for the purpose of international monitoring and is mandated to visit places of deprivation of liberty, and to consult and cooperate with States on the prevention of torture.

197. A State is required to accept members of the Subcommittee onto its territory, provide access to places of detention and give information on the number of detainees, prisons and remand centres and their locations. The Subcommittee has the right independently to set its own schedule for regular visits, and States are required to take steps without delay to honour that schedule.

198. In addition, under the Optional Protocol to the Convention against Torture, a State must establish an independent national body to monitor places of deprivation of liberty, endow it with the necessary resources and follow its recommendations. The Optional Protocol provides for unrestricted rights to visit correctional facilities, and not just for members of the Subcommittee.

199. It is believed that in Uzbekistan the system established for the monitoring of prisons by international organizations, independent national human rights institutions and NGOs is proof in itself of why it is unnecessary for the country to ratify the Optional Protocol.

200. Uzbekistan is currently a signatory of over 70 international instruments relating to human rights and freedoms. It is futile to accede, as the Committee recommends, to the optional protocols of the conventions ratified by Uzbekistan because the country has acceded to the two optional protocols of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

201. The country has drawn up a national action plan in preparation for ratifying and implementing the Convention on the Rights of Persons with Disabilities in Uzbekistan.

Paragraph 30

202. In Uzbekistan, both the general public and NGOs have free access to Uzbekistan's national reports on human rights and the Committee's recommendations both on the United Nations website and on the website of the National Centre for Human Rights of the Republic of Uzbekistan.

Paragraph 31

203. In accordance with the country's established practice, the information requested by the Committee will be submitted by 23 November 2014.

Paragraph 32

204. According to the Committee's schedule, the next report of Uzbekistan, the country's fifth national report on torture, is to be submitted on 23 November 2017 on the basis of the list of issues provided by the Committee.
