Human Rights Committee
114th session

Summary record of the 3178th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 8 July 2015, at 3 p.m.

Chairperson: Mr. Salvioli

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Fourth periodic report of Uzbekistan
The meeting was called to order at 3.05 p.m.

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

Fourth periodic report of Uzbekistan (CCPR/C/UZB/4; CCPR/C/109/2; CCPR/C/UZB/Q/4 and Add.1)

1. At the invitation of the Chairperson, the delegation of Uzbekistan took places at the Committee table.

2. Mr. Jasimov (Uzbekistan) said that the fourth periodic report had been prepared with the assistance of 30 public-sector bodies and 20 NGOs. It reflected the Committee’s concluding observations and recommendations on the previous report and the observations of other treaty bodies.

3. Uzbekistan regarded the promotion and protection of human rights as one of the foundations of democracy, the rule of law and the establishment of a robust civil society. A policy framework for the further enhancement of democratic reforms and the strengthening of civil society in Uzbekistan had been submitted by the President of the Republic to a joint session of Parliament in November 2010. The framework had so far led to the enactment of 27 laws, which had contributed to the democratization of public authorities, laid the basis for a more independent judicial system, and promoted freedom of expression, free elections and the development of civil society institutions. Amendments to the Constitution and other legislation had clearly defined the powers and responsibilities of government bodies and provided for strict parliamentary oversight of their activities, including the possibility of a vote of no confidence in the Government.

4. Uzbekistan had achieved the Millennium Development Goals (MDGs) concerning universal access to education, gender equality in primary and intermediate education, a reduction in maternal and infant mortality ratios, and progress in the fight against malaria.

5. Major democratic reforms had been introduced in the electoral system. Political parties and their candidates enjoyed equal rights in electoral campaigns, including equitable access to the media. According to an absolute majority of more than 70,000 domestic observers and 340 foreign observers, the most recent elections had been open and transparent and had complied with international standards.

6. Laws had been enacted to promote the independence of the judicial system and respect for human rights in legal proceedings. Democratic arrangements had been introduced for the selection and in-service training of judicial personnel. The right to habeas corpus had been expanded. The right to remove staff from a case during investigations and to confine people to medical institutions had been transferred from prosecutors to the courts. Provision had also been made for house arrest in certain circumstances.

7. Consultations had been held with law enforcement agencies, civil society institutions and international experts on improving the definition of torture in the country’s criminal legislation and on the establishment of a national preventive mechanism for the prevention of torture. Action in that regard had not yet been completed but positive results were expected.

8. Improvements had been introduced in the implementation of judicial decisions and the conduct of prosecutorial activities. Reforms had been introduced in the legal profession and lawyers’ rights had been enhanced. Witnesses had been granted access to lawyers’ services.
9. An Act on Citizens’ Self-governance Bodies, a Social Partnership Act and an Act on Transparency in the Work of State and Government Bodies had been adopted. Civil society institutions had become close partners of public sector bodies in a variety of areas. More than 8,000 NGOs were currently operating in Uzbekistan. Their number had increased by about 51 per cent during the past four years.

10. A large number of organizational and legal measures had been adopted in recent years in support of freedom of expression and information. As at 1 January 2015, 63 per cent of the 1,395 media organizations registered in Uzbekistan were not State-owned. They published and broadcast information in 15 languages. The State was also promoting e-governance. It had established a portal on the Internet for interactive State services. The Information Technology Act guaranteed the right of legal entities and individuals to obtain and disseminate information.

11. The Government had allocated additional material and financial resources to national human rights institutions. The powers of the Interdepartmental Working Group to monitor the observance of human rights and freedoms by law enforcement agencies and government bodies, which was chaired by the Minister of Justice, had been expanded. Coordination between public sector bodies had been strengthened by the establishment of central and regional commissions on juveniles and on action to prevent human trafficking, and the creation of the Interdepartmental Working Group on compliance with the conventions of the International Labour Organization.

12. Uzbekistan had actively supported the campaign to implement the United Nations Declaration on Human Rights Education and Training. More than 120 core international human rights documents had been translated into the Uzbek language and published. An Interdepartmental Council had been established to coordinate the dissemination of relevant legal information. All citizens had access since 2000 to a continuously updated Internet database containing more than 33,000 documents in the Uzbek and Russian languages.

13. More than 35 reports had been submitted to United Nations treaty bodies and 10 national action plans had been developed with a view to implementing their recommendations. In recent years Uzbekistan had replied to more than 60 questions submitted by special procedures mandate holders. In particular, it had responded to questions from the Special Rapporteurs on the right to education, on the independence of judges and lawyers, on torture, on trafficking in persons and on cultural rights, and from the Independent Expert on violence against women.

14. With regard to the difficulties impeding compliance with the Covenant, socially vulnerable groups had been particularly adversely affected by the economic, social and political problems created by the global recession. The transition to a democratic legislative, executive and judicial system had also created internal problems that required awareness-raising and the development of a human rights culture. Further problems stemmed from instability in the Central Asian region, particularly in Afghanistan, global religious extremism and the drugs trade.

15. Ms. Seibert-Fohr said that, in light of the State party’s reaffirmation of its commitment to cooperation with human rights treaty bodies and experts, she had been surprised to learn that no special procedures mandate holders had been granted access to the country since 2002 and that there were 13 pending requests.

16. According to the report on follow-up to the Committee’s concluding observations on the third periodic report, initial steps had been taken to implement the recommendations, but there was considerable room for progress.

17. She requested information about the procedures adopted by the Interdepartmental Working Group that reviewed the Committee’s Views under the
Optional Protocol and about action taken to implement the Views adopted in the following nine cases against Uzbekistan: Ruzmetov, Strakhov and Fayzullaev, Tulyaganov, Chikunova, Agabekova, Khudayberganova, Mavlonov and Sa’di, Kasimov and Kungurov. The Committee had asked for effective remedies, including an impartial, effective and thorough investigation, and the initiation of criminal proceedings against those responsible for violations of article 7 of the Covenant in the cases of Musaeva v. Uzbekistan and Ismailov v. Uzbekistan. She would appreciate an update on action taken in that regard.

18. She asked whether the State party published the Committee’s Views and whether litigants could take steps to promote their implementation. She also enquired about action to protect authors of communications and their lawyers and relatives against reprisals.

19. According to the State party, the Human Rights Commissioner (Ombudsman) considered complaints of human rights violations and the National Centre for Human Rights was responsible for raising awareness of human rights and democracy. She enquired about the statutory mandate of the two institutions, the measures taken to ensure that they acted independently of the Government and their access to independent funding. The State party claimed that their work complied with the Paris Principles. She therefore asked whether a formal application for accreditation under the Paris Principles had been submitted.

20. The Committee had expressed concern in its concluding observations on the third periodic report that the existing regulations on states of emergency did not fulfil all requirements of article 4 of the Covenant. It had noted that a draft state of emergency law was being prepared. She asked whether the draft State of Emergency Act referred to in the fourth periodic report was the same piece of legislation. Article 4 of the Covenant prohibited derogations from the right to life, the prohibition of torture, and freedom of thought, conscience and religion. Moreover, derogations under article 9 should not exceed those strictly required by the exigencies of the situation. There should never be unacknowledged detention, and the right to institute legal proceedings with a view to determining the lawfulness of detention should not be diminished by measures of derogation. She therefore asked whether all non-derogable rights had been expressly excluded from the draft State of Emergency Act.

21. She asked the State party to specify what it meant by the reference in its replies to contemporary challenges and threats to public and State security. The Committee was concerned that an unduly broad definition of terrorism and terrorist activities could provide the basis for arrest, detention and prosecution. There had even been allegations of incommunicado detention, torture and lengthy prison sentences in cruel, inhuman and degrading conditions. She asked what measures were in place to prevent the current legislation from being used to prosecute persons for their membership of Islamist parties or for their political opinions.

22. Ms. Pazartzis said that, according to the State party, article 18 of the Constitution and a large number of legislative texts prohibited discrimination. However, some grounds of discrimination set forth in article 26 of the Covenant, such as colour, political or other opinion, national origin, property and birth, were not covered. The same applied to discrimination on grounds of sexual orientation and gender identity. Such concerns had been raised by the Committee in its previous concluding observations and by other treaty bodies. Moreover, the prohibited grounds seemed to differ from one law to another, creating possible inconsistencies in the anti-discrimination legislation.

23. She requested additional information on the National Plan of Action to implement the recommendations of the Human Rights Council and international treaty
monitoring bodies. With regard to the statement that Uzbek legislation provided for administrative and criminal liability for violations of the right to equality before the law, she enquired about the practical effects of provisions such as article 141 of the Criminal Code. For instance, what were the prosecutorial authorities doing to enforce anti-discrimination legislation? She requested information on judgements in discrimination-related court cases and the remedies, if any, awarded to victims in cases where discrimination was found to have occurred.

24. She asked what specific measures the State party was taking to prohibit the promotion and incitement of racial hatred. She wished to know whether there was any specific legislation criminalizing racial hatred and racially motivated offences and whether racist motives were recognized as a general aggravating circumstance for all offences and not just for serious crimes. She wondered whether the Ombudsman was competent to consider racial discrimination complaints. She requested further information about the National Plan of Action to implement the recommendations of the Human Rights Council and international treaty-monitoring bodies (2014–2016). The findings of various treaty bodies indicated that the Roma were still discriminated against and marginalized in Uzbekistan. She requested clarification about the number of persons charged with and imprisoned for consensual sexual activities between males, as the statistics provided seemed to be inconsistent.

25. In the light of reports of LGBT persons being physically assaulted and harassed because of their sexual orientation, including by police officers, she asked what steps were being taken to ensure that such violence was investigated and the perpetrators brought to justice and that remedies were made available to the victims.

26. She asked when the bill on equal rights and opportunities for men and women would be enacted. She enquired how the State party was effectively implementing its legislation prohibiting forced and child marriage and polygamy. Domestic violence and marital rape were not defined in the State party’s criminal law, and, according to information before the Committee, domestic violence was socially legitimized, and law enforcement officials often discouraged women from filing complaints of such violence. The delegation’s comments on that matter would be welcome.

27. Mr. Bouzid said that he wished to know what measures were being taken to ensure that impartial and comprehensive investigations were conducted into the events that had occurred in Andijan in 2005 and that compensation and remedies were made available to the victims. He asked whether the State party planned to amend its regulations governing the use of firearms by the authorities. He wished to hear the delegation’s views on allegations that the freedom of movement of the persons involved was being restricted, that their family members living abroad were being subjected to threats and pressure, that those who had served their prison sentences had then seen those sentences extended, and that the trials had been held in secret.

28. While he noted the information provided on specific cases of death in custody, reports from reliable sources indicated that the corpses of the persons in question had shown signs of torture and that their families had been pressured to bury them as quickly as possible. While the death certificates for 12 persons connected with the Andijan incident listed heart attack or suicide as the cause of death, there were reports that poor conditions of detention and a lack of health care were the true causes. The delegation should comment on those allegations.

29. Human Rights Watch and other sources had reported violations of the right to reproductive health in the State party. Women were allegedly subjected to forced sterilization, particularly women in rural regions who had given birth to two or more children, Roma women, political activists and imprisoned militants. A lack of information and of reproductive services in health-care institutions was said to be
exacerbating the problem. He wished to hear the delegation’s response to those allegations.

30. Further efforts were needed to prevent corporal punishment, especially in family settings, and the Government itself had recognized that fact in 2009. He asked whether the State party was committed to amending the Family Code in that regard, and he requested clarification about the contents of article 75 of the Code.

31. **Mr. Ben Achour** said that Uzbekistan’s human rights policies should be in line with the high esteem with which the country was regarded throughout the Muslim world. Noting the information provided by the State party on the extradition of persons to Uzbekistan, he pointed out that, according to recent NGO reports, individuals wanted for extradition continued to be abducted from other countries. Those reports indicated that the State’s liberal legislation on the subject was not applied in practice. The jurisprudence of the Committee and of various other regional and international human rights bodies, such as the Committee against Torture and the European Court of Human Rights, corroborated those NGO reports and indicated that the torture of detainees was a problem in Uzbekistan. He asked the delegation to comment on that matter.

32. He requested further information about the efforts taken to combat trafficking in persons; specifically, he wished to know what type of trafficking had been involved in the prosecutions and convictions referred to by the State party. The Committee had received reports stating that the laws prohibiting forced labour and the policies adopted to combat that practice were not being implemented in reality. According to reports, 17 workers had died in 2014 due to poor safety conditions in the cotton sector. While child labour in that sector had been virtually eliminated since 2012, there seemed to have been a resulting increase in the forced labour of adults in both the cotton and silk sectors. He asked the delegation to comment on those reports and to explain the real situation on the ground.

33. **Mr. Vardzelashvili**, referring to paragraphs 10 and 11 of the list of issues (CCPR/C/UZB/Q/4), said that many reports from independent international organizations had raised concerns in respect of the legislation prohibiting torture in Uzbekistan, as well as the prevention and prosecution of that crime. The State had an obligation to ensure that torture was defined as a crime and that it was punishable by appropriate penalties; it must also ensure the impartial investigation of all complaints and provide adequate remedies for victims. He underlined the remarks of Mr. Ben Achour on the frequent discrepancy between the law defining torture as a crime and its application in practice in the State party. However, there had also been positive legislative changes, including the approval by the President in 2011 of a new law on pretrial detention which radically improved access by relatives and lawyers to those held in police custody. He noted that 13 persons had been prosecuted and sentenced for the crime of torture in the State party in 2014.

34. In its replies to the list of issues, the State party had acknowledged that there was a need to improve the definition of torture in order to bring it into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment; he asked what steps had been taken to amend the laws in that respect. He sought further information on the types of offence for which amnesty had been granted, including for torture or unreasonable use of force. He drew attention to article 7 of the Committee’s general comment No. 20 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment), which stated that amnesties were “generally incompatible with the duty of States to investigate such acts”. He sought clarification on the numbers of persons convicted of torture and the nature of the offences of which they had been convicted. Monitoring of places of detention was an effective torture-prevention mechanism. However, numerous organizations had expressed concern that
detention facilities in Uzbekistan remained closed to monitoring. Indeed, the International Committee of the Red Cross had ceased visiting detention facilities in 2013 because the authorities had obstructed their access to detainees.

35. He understood that the Human Rights Commissioner (Ombudsman) had unrestricted access to penal correctional facilities and asked how frequently such monitoring was conducted, how many complaints had been received from convicts and how many investigations had been conducted. He asked whether there was periodic monitoring of psychiatric hospitals since international organizations had flagged the urgent need to improve conditions in those institutions. A number of organizations had reported that, for a long period of time, it had not been possible to visit a former UNDP worker, Erkin Musaev, who had been convicted of treason in 2007. He asked whether it had been possible for Mr. Musaev’s family members and lawyers to visit him in prison. He sought comments on the failure of the State party to investigate the detailed statements made by Mr. Musaev, Mr. Umarov, Mr. Jalilov, the human rights defender, and others during their trials concerning the physical torture to which they had been subjected under interrogation while in detention. He asked whether there was a process to review the cases of victims from whom confessions had been extracted under torture and whether victims were accorded compensation.

36. Were procedures in place in detention facilities to ensure that individuals were examined by a medical doctor and, if not, were there plans to introduce them? Medical examinations that were conducted at an early stage after an individual had been detained could assist the authorities in assessing any claims of torture. He wished to receive a response to the specific case of Mr. Tillaev, who reported deafness and bleeding in his right ear to his lawyer in January 2014 following his torture while in pretrial detention; the conclusions of the medical examination which his lawyer had requested were not in the case file. Despite his claims of torture, in March 2014, Mr. Tillaev had been sentenced to 8 years in prison. He sought more information concerning the possibilities available to victims of torture who wished to apply for compensation under civil law.

37. Mr. de Frouville said that he had been concerned to read in paragraph 23 of the replies to the list of issues that “as research shows, sexual relations between men are one of the reasons for the spread of HIV/AIDS, which poses a serious threat to public safety” since the statement was both scientifically unsound and discriminatory against homosexual persons. He sought an explanation of the reasons for the statement and asked how the State party intended to combat discrimination based on sexual orientation while it maintained such a view.

38. Referring to the response to question 9 given in paragraphs 64 to 75 of the replies to the list of issues, he asked for more detailed information concerning the facts relating to the offences said to have been committed by each of the persons who had died while in custody. Heavy sentences seemed to have been handed down to some of the prisoners for what were essentially offences relating to expression and to freedom of association.

39. Ms. Cleveland requested information relating to allegations that persons with disabilities in the criminal justice system were subjected to discrimination as a result of the withdrawal of the papers that entitled them to receive benefits.

40. The Chairperson suggested that the meeting should be suspended in order to allow the delegation of Uzbekistan time to prepare their replies.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.
41. **Mr. Jasimov** (Uzbekistan) said that, in order to respond to all of the questions by members of the Committee, it would be helpful to receive confirmation in writing of the names of the individuals and the cases which had been raised.

42. **Ms. Yakubjanova** (Uzbekistan) said that the Government had developed a national action plan, in consultation with civil society organizations, with a view to implementing the recommendations of the Committee following the third period report of Uzbekistan. The action plan had been endorsed by the interdepartmental working group tasked with studying compliance with human rights obligations. Following approval, the action plan had been disseminated to, and implemented by, State bodies and civil society. The interdepartmental working group, which was headed by the Ministry of Justice and consisted of 32 organizations, including members of civil society, reviewed complaints on torture and other human rights matters that were brought before United Nations human rights treaty bodies.

43. There was no discrimination against the Luli/Roma or against any other group in Uzbekistan. The centre for the study of public opinion, an NGO, had carried out an opinion poll to which the majority of Roma had responded that they did not experience any infringement of their rights by the State. Most Roma were Muslim and lived in their own homes, their income and material situation was about average, educational provision was the same as for all other citizens of Uzbekistan, some 80 per cent had Uzbek citizenship, and 16 per cent had a residence permit. The NGO study reported that most Roma had completed their primary school education, 20 per cent did not complete secondary education and some 11 per cent attended university. Roma were employed in the service sector or had their own businesses.

44. The Government had worked closely with the International Labour Organization on issues such as child labour and forced labour and it had ratified 13 ILO Conventions. In cooperation with ILO, a study of conditions of employment and work in the agricultural sector would be conducted and the results shared with a round table of national and foreign experts in Tashkent in August 2015.

45. **Mr. Jasimov** (Uzbekistan) said that Uzbekistan was committed to promoting and protecting human rights: since independence, it had made efforts to bring its legislation on human rights into line with international practice and to set up mechanisms to ensure human rights. The interdepartmental working group, established under the Ministry of Justice, was a unique body that brought together the legal and administrative resources of State bodies and NGOs and it would carefully examine the recommendations of the Committee following the present meeting. It would also examine any allegations of torture or human rights violations.

46. The Andijan events of 2005 had already been the subject of two independent investigations, conducted by the Organization for Security and Cooperation in Europe (OSCE) in 2006 and in 2007. On both occasions, investigators had been given unrestricted access to the places and persons involved. The Government could see no purpose in a further international investigation and considered the matter closed. Claims concerning disproportionate use of force were not borne out by foreign journalists present at the time or by video evidence filmed by the alleged victims themselves. He himself had acted as state prosecutor against 15 leaders of the Akromiya organization in a fair and open trial which had also been attended by diplomatic representatives. The Government had only taken action against members of the organization who had been involved in acts of violence. Otherwise it has shown great leniency and it was not true that it was persecuting all members of Akromiya and their families.

47. **Ms. Muratova** (Uzbekistan) said that Uzbekistan been one of the first Central Asian republics to implement the Vienna Declaration and Programme of Action, in
accordance with which it had established the Office of Human Rights Commissioner (Ombudsman) and the National Centre for Human Rights. The National Centre for Human Rights was headed by a director and a vice-director appointed, respectively, by the President and the Council of Ministers. Its status complied with the Paris Principles and its activities included preparing national action plans, presenting reports, implementing joint projects with international NGOs, acting as a consultative body for government departments, carrying out media campaigns and receiving complaints from the public. Government decrees adopted in 2008 and 2012 had increased support and funding for the Centre and for other human rights bodies.

48. The Ombudsman’s office had been established in 1995 and its principal function was to ensure that state bodies and officials duly observed national legislation. It was a member of the European Ombudsman Institute and the Asian Ombudsman Association. The Ombudsman had the power to receive complaints from citizens and pass them on to the relevant state bodies for appropriate action to be taken. The Ombudsman was particularly active in affording protection to persons in detention. At his suggestion, legislative amendments had been introduced under which places of detention were required to give the Ombudsman unrestricted access, and the correspondence of persons in pretrial detention was no longer subject to censorship. The Ombudsman also had regional representatives who undertook regular monitoring visits to the country’s prisons.

49. Ms. Lankevitch (Uzbekistan) said that the Department for Human Rights, which was part of the Directorate for the Execution of Sentences in the Ministry of the Interior, carried out educational work among prison staff. The Department also cooperated with the Ombudsman’s office in receiving complaints from citizens and seeking solutions.

50. Ms. Muratova (Uzbekistan) said that in 2014 the Ombudsman had received 112 complaints from persons in places of detention and had intervened to restore the complainant’s rights in four cases.

51. Mr. Jasimov (Uzbekistan) said that human trafficking was a widespread transnational phenomenon which no nation could tackle alone. After ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Uzbekistan had adopted a new law which defined the offence and contained provision for the creation of special anti-trafficking bodies. He had been surprised to see that reports by certain human rights groups had described Uzbekistan as an open field for human traffickers. In reality, the authorities were actively seeking to combat the problem, particularly through an interdepartmental working group that cooperated with the National Centre for Human Rights, NGOs and civil society organizations. The problem was being tackled on various fronts by analysing its causes, studying possible legislative and administrative solutions, informing citizens of the risks of trafficking and providing social rehabilitation for victims.

52. Over the previous four years, citizens had been made aware of the dangers of human trafficking through the distribution of more than 4.5 million information brochures, as well as by media and poster campaigns, films and theatre productions. Uzbekistan also cooperated with European countries and had signed inter-agency victim assistance agreements. Thanks to those agreements, more than 400 Uzbeks had been repatriated in 2014. Victims of human trafficking received the treatment they needed in a state-funded rehabilitation centre and the Labour Code had been amended to help them find employment. The allegation that victims were not allowed to leave Uzbekistan was untrue. A total of 537 persons had been convicted of human trafficking offences in 2013 and around 600 in 2014.
53. Not all the information set forth in the alternative reports was correct. For example, the farmer Bobomurod Razzakov was not a human rights defender but a human trafficker convicted of having forced a woman to engage in sexual relations with men. In general, the people of Uzbekistan were victims rather than practitioners of human trafficking. Trafficked persons were not brought into the country but Uzbeks were taken abroad, particularly women who were illegally smuggled across the border for the purposes of sexual exploitation in neighbouring countries. Nonetheless, the legal system was working to ensure that Uzbekistan met its international obligations.

54. Ms. Yakubjanova (Uzbekistan) said that the State sought to ensure equal access to medical care. It had recently conducted a major programme aimed at improving the reproductive health of women, part of which had involved a survey on the use of contraceptives. The results showed that 71 per cent of women in Uzbekistan used some form of contraception, including 6 per cent who opted for surgical contraception or sterilization. Voluntary surgical contraception was conducted only when it was vital for a woman to avoid pregnancy for medical reasons, and could only be carried out with the written consent of the woman concerned and her spouse. It was not true that Ms. Tadjibayeva had undergone forced sterilization. At the orders of the civilian medical service in the all-female detention centre in which she was being held, she had undergone an emergency surgical procedure and was currently in good health. Under the law, citizens could seek redress if their rights were violated but the courts had not received any such complaints related to cases of forced sterilization.

55. Mr. Jasimov (Uzbekistan) said that forced sterilization was a fabricated issue. Only consensual surgical contraception was practised and it reflected changing usages in society. Many families no longer wished to have five or six children as had once been the norm.

The meeting rose at 6 p.m.