



**International Covenant on  
Civil and Political Rights**

Distr.: General  
26 September 2016  
English  
Original: Russian

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**Human Rights Committee**

**Concluding observations on the fourth periodic report of  
Uzbekistan**

Addendum

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

[Date received: 7 September 2016]

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\* The present document is being issued without formal editing.

GE.16-16471 (E) 211216 221216



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## **Information provided by the National Centre for Human Rights of the Republic of Uzbekistan pursuant to paragraph 28 of the Human Rights Committee's concluding observations following its consideration of the fourth periodic report of Uzbekistan**

1. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, Uzbekistan provides herewith the relevant information on its implementation of the Committee's recommendations made in paragraphs 11 (State of emergency and counter-terrorism), 13 (Torture) and 19 (Forced labour).

### **I. Paragraph 11 (State of emergency and counter-terrorism)**

11. **The State party should expedite the adoption of a law governing states of emergency and ensure its full compliance with the requirements of article 4 of the Covenant as interpreted in the Committee's general comment No. 29. It should take all measures necessary to ensure that its counter-terrorism legislation and practices are in full conformity with its obligations under the Covenant, inter alia by:**

- (a) **Amending its overly broad definition of terrorism and terrorist activities;**
- (b) **Ensuring that persons suspected of, or charged with, a terrorist or related crime are provided in practice with all legal safeguards and that any restrictions on their rights are not arbitrary, are lawful, necessary and proportionate and are subject to effective judicial oversight.**

2. Regarding the Committee's recommendation on the adoption of a law governing states of emergency to ensure full compliance with article 4 of the Covenant, the measures being taken are described below.

3. First of all, in accordance with paragraph 6 of the national plan of action to implement the recommendations of the Human Rights Council and the treaty bodies of the United Nations following their consideration of the country's periodic reports on human rights and freedoms for the period 2014-2016, adopted on 14 November 2014 by the Ministry of Justice, the Ministry for Emergency Response compiled information about legislation on safeguarding human rights and freedoms in the event of a declaration of a state of emergency.

4. An analysis was undertaken of the legislative frameworks in place in Azerbaijan, Belarus, China, France, Germany, Israel, India, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Pakistan, Poland, the Russian Federation, Turkey, Turkmenistan, Ukraine, the United Kingdom and the United States of America.

5. Secondly, the interdepartmental working group attached to the Ministry for Emergency Response met with public authorities and authorities responsible for economic affairs to consider the draft of the proposed law in question, and the tasks assigned to the relevant ministries and departments are set out in the minutes of the meeting, No. 87 of 30 December 2014.

6. In May 2014, the Institute for Monitoring Legislation attached to the Office of the President of Uzbekistan carried out a legal review of the proposed legislation, the results of which were submitted to the Cabinet of Ministers on 24 May 2014.

7. Thirdly, on 9 July 2015, the Ministry for Emergency Response held a workshop entitled “Safeguarding human rights in the event of a state of emergency” with the participation of specialists from the Presidential Security Council, the National Centre for Human Rights, the secretariat of the Office of the Human Rights Commissioner (Ombudsman) of the Oliy Majlis — the parliament of Uzbekistan — the Ministry for Emergency Response, the Ministry of Internal Affairs, the Ministry of Defence, the Ministry of Justice, the State Customs Committee, the Office of the Procurator General and the Office of the Military Procurator.

8. Lastly, in late 2015, the draft of the proposed law was approved by all ministries and departments, including the Ministry of Foreign Affairs and the Ministry of Labour, and the Supreme Court and the High Economic Court.

9. The proposed legislation and accompanying overview documents are currently being prepared for submission to the Ministry of Justice.

10. Regarding the Committee’s recommendation concerning the need to ensure that counter-terrorism legislation is in full conformity with the State’s obligations under the Covenant, the following should be borne in mind.

11. As a fully-fledged member of the international community, Uzbekistan takes active measures to identify, prevent and respond to threats of terrorism throughout the country and actively participates in bilateral and multilateral agreements on various aspects of the fight against terrorism. Uzbekistan is a party to 14 international counter-terrorism agreements, whose provisions have been incorporated into national law, in keeping with the national interest of the State and society, human rights and the history and way of thinking of the Uzbek people.

12. Uzbekistan is implementing Security Council resolution 1373 (2001) and submits its reports to the Counter-Terrorism Committee on a regular basis. Uzbekistan is also a party to agreements governing counter-terrorism at the regional level within the framework of the Shanghai Cooperation Organization and Commonwealth of Independent States.

13. Uzbekistan has a fully functioning and continuously evolving legal framework for counter-terrorism, which includes the following laws and regulations:

- Counter-Terrorism Act (15 December 2000)
- Act on Combating the Legalization of Proceeds from Crime and the Financing of Terrorism (26 August 2004)
- Criminal Code (22 September 1994)
- Presidential Decree on the Exemption from Responsibility of Citizens Who Have Joined Terrorist Groups through Ignorance (6 June 2000)
- Presidential Decision on Intensifying Efforts to Combat Financial, Economic and Tax Crimes involving the Legalization of Proceeds from Crime (21 April 2006)

14. Terrorism is clearly defined in the national law of Uzbekistan. Article 2 of the Counter-Terrorism Act defines “act of terrorism” as the commission of a crime of a terrorist nature in the form of kidnapping or hostage-taking, an attempt on the life of a State official, public figure or members of ethnic, religious or other population groups, foreign States or international organizations, the seizure, damage to or destruction of national or public facilities, the setting off of an explosion, arson, the use or threat of use of explosive devices or radioactive, biological, explosive, chemical or other toxic substances, the seizure, theft, damage to or destruction of road vehicles, vessels or aircraft, causing panic or creating disorder in crowded places or at public events, harming or endangering the lives, health or property of natural or legal persons by causing an accident or man-made disaster or posing

threats by any means or methods or other acts of a terrorist nature as defined in the national law of Uzbekistan and the universally recognized rules of international law.

15. Pursuant to article 28 of the Act, any individual participating in terrorist activities is to be held accountable in accordance with the law.

16. Under the law, persons may be exempted from responsibility if they renounce their participation in terrorist activities, report the activities to the relevant State authorities and actively help to prevent serious consequences from ensuing and the terrorists from bringing their plans to fruition.

17. Liability for crimes related to acts of terrorism is incurred in accordance with article 155 of the Criminal Code.

18. Under article 155 of the Criminal Code, terrorism — i.e. violence, the use of force or other actions creating a danger to persons or property, or the threat of such actions, with a view to forcing a State authority or international organization, or their officials, or natural or legal persons to carry out, or refrain from carrying out, any activity for the purposes of aggravating international relations, violating sovereignty or territorial integrity, undermining State security, provoking war or armed conflict, destabilizing the social and political situation or intimidating the population — is punishable by deprivation of liberty for a period of 8 to 10 years.

19. Any attempt on the life of, or infliction of bodily harm upon, a State official or public figure or representative of an authority committed in connection with his or her official or public work with a view to destabilizing the situation or influencing decisions by State authorities or obstructing political or other public activities is punishable by deprivation of liberty for a period of 10 to 15 years.

20. The acts referred to in paragraphs 1 and 2 of this article are punishable by deprivation of liberty for 15-20 years if they cause:

- (a) Death;
- (b) Other serious consequences.

21. Persons involved in the preparation of a terrorist act are exempted from criminal responsibility if they give timely warning to the authorities or, by some other means, actively help to prevent serious consequences from ensuing or terrorists from achieving their goals, provided that their actions do not involve any other elements of a crime.

22. It should be noted that persons who have committed acts of terrorism under articles 2, 6, 7, 9 and 14 of the Covenant are guaranteed:

- Equality before the law without distinction as to sex, race, ethnicity, language, religion, social background, beliefs, personal situation or status in the community in accordance with article 5 of the Criminal Code
- The right to life, insofar as article 155 of the Criminal Code does not prescribe the death penalty
- The right to protection against torture and other cruel, inhuman or degrading treatment or punishment in accordance with article 235 of the Criminal Code
- The right to security of person and protection from unlawful detention or remand in custody with the introduction of habeas corpus to Uzbekistan as provided for under articles 242 and 243 of the Code of Criminal Procedure
- The right to have their case brought before an independent and impartial court and to a judicial review of judgments on appeal, in cassation or in supervisory proceedings in accordance with the Code of Criminal Procedure

- The right to a defence counsel, to telephone a lawyer or family member from the time of their arrest, to refuse to testify, to be informed that any testimony may be used as evidence against them, to meet with a lawyer without any restriction as to the duration and number of interviews and other rights

## II. Paragraph 13 (Torture)

13. **The Committee reiterates its previous recommendation (CCPR/C/UZB/CO/3, para. 10) and urges the State party, as a matter of urgency, to amend its criminal legislation, including article 235 of its Criminal Code, with a view to ensuring that the definition of torture is in full compliance with article 1 of the Convention against Torture and with article 7 of the Covenant and is applied to acts committed by all persons acting in their official capacity, outside their official capacity or in a private capacity when the acts of torture are committed at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. The State party should also end the practice of granting amnesties to persons convicted of torture or ill-treatment, which is incompatible with its obligations under article 7 of the Covenant.**

23. Uzbekistan does not consider it necessary, as a matter of urgency, to amend its criminal legislation, including article 235 of its Criminal Code, with a view to ensuring that the definition of torture is in full compliance with article 1 of the Convention for the reasons set out below.

24. The definition of torture and other cruel, inhuman or degrading treatment given in article 235 of the Criminal Code fully meets the requirements of the Convention against Torture.

25. Only persons conducting an initial inquiry or pretrial investigation, procurators or other employees of law enforcement agencies or penal institutions may be classed as perpetrators of the offence in question.

26. If the offence is committed by a person who is not a law enforcement officer but is acting at the instigation of or with the consent or acquiescence of a person conducting an initial inquiry or pretrial investigation or other official of a law enforcement agency, his or her action will be categorized as aiding and abetting the use of torture or other cruel, inhuman or degrading treatment or punishment on the grounds that the person provided the means for the commission of an offence under articles 28 and 235 of the Criminal Code.

27. If an offence of this nature is committed by another person (such as a teacher or private individual), the act will be categorized in accordance with the appropriate articles of the Criminal Code.

28. This issue has been the subject of theoretical and case study by leading legal experts and practitioners in Uzbekistan.

29. If a crime of this type is committed by someone other than a law enforcement officer (such as a private individual), then it is to be classified in accordance with the following articles of the Criminal Code concerning offences against health: 104 (Intentional grievous bodily harm); 105 (Intentional moderate bodily harm); 109 (Intentional minor bodily harm); and 110 (Torture) (chap. II, Offences against health, special sect.). This chapter covers offences against a person's health or physical integrity.

30. The Committee's recommendation to end the practice of granting amnesties to persons convicted of torture or ill-treatment is at variance with the general principles of non-discrimination and the prohibition against any restriction on human rights not provided

for by law. On the basis of the principle of equal rights of citizens, an individual who has committed acts of torture may be pardoned by the court on the grounds set forth in relevant legislation.

### **III. Paragraph 19 (Forced labour)**

19. **The State party should put an end to forced labour in the cotton and silk sectors, inter alia by enforcing effectively the legal framework prohibiting child and forced labour, including by rigorously prosecuting those responsible for violations and improving working and living conditions. The State party should also review its laws and practices to ensure financial transparency and address corruption in the cotton industry and take all necessary measures to prevent deaths in connection with the cotton harvesting, investigate thoroughly such cases when they occur and provide effective remedies, including adequate compensation, to victims' families.**

31. The protection of the rights of the child is a priority of State policy. In Uzbekistan, the child's right to life and healthy development is guaranteed by means of:

- Measures ensuring children's healthy development and safe and nutritious food
- Extensive health-care measures to improve maternal and child welfare
- Disease prevention, health advocacy and appropriate free medical care for children
- Reduction of child mortality
- Avoidance of accidents involving children in everyday life and in educational establishments
- Establishment of criminal liability for persons found guilty of crimes that endanger the life and health of a child
- Measures to prevent adults from committing offences against the life of a child
- Prevention of torture and other cruel, inhuman or degrading treatment or punishment of children
- Other measures to protect the life and health of the child

32. In accordance with article 32 of the Convention, measures are taken to protect children from economic exploitation and the performance of any work that is likely to be hazardous or to interfere with the child's education or to harm the child's health or physical, mental, spiritual, moral or social development. Pursuant to the relevant conventions of the International Labour Organization (ILO), a minimum age for admission to employment, hours and conditions of employment and administrative liability for violations of child labour law have been established. Children may be admitted to employment only as from the age of 16. However, at age 15, a minor may be employed with the written consent of his or her parents or guardian.

33. A Coordinating Council on Child Labour has recently been established. The Council is a permanent public body which comprises representatives of the authorities, trade unions, employers' organizations, other civil society institutions and international organizations.

34. On 27 May 2014, the Cabinet of Ministers adopted a decision on additional measures to implement the ILO conventions ratified by Uzbekistan for the period 2014-2016, which provides for carrying out national child labour monitoring with the use of methodologies and tools developed under the ILO International Programme on the Elimination of Child Labour (IPEC) with a view to ensuring that legal and natural persons comply with the prohibition against child labour, the terms of employment of minors

established by laws and regulations and the provisions of the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

35. The Procurator General and subordinate public procurators are responsible for ensuring strict and uniform compliance with labour laws in Uzbekistan.

36. One of the main functions of the State Legal Inspectorate of Labour attached to the Ministry of Labour is to prevent and deter forced labour and discrimination in employment relationships as prohibited by law. Representatives of the Inspectorate are included in monitoring groups to ensure that pupils of schools, academies and professional colleges under the age of 18, health-care workers and staff of national and vocational secondary schools are not being employed to harvest cotton.

37. To prevent violations with regard to the employment of children in the cotton harvest, on 17 June 2015, the Cabinet of Ministers approved a plan of action on the recruitment of cotton pickers and the prevention of the use of child labour and forced labour in the harvesting of cotton in 2015.

38. In order to raise public awareness about the measures taken to prevent child labour in all provinces, districts and municipalities, billboards and posters with information on the issue and telephone hotline numbers have been displayed in public places, makhallas, health-care facilities and schools.

39. The Women's Committee of Uzbekistan, the Makhalla and Nuronii foundations and the Kamolot youth movement have organized civil society activities to monitor labour relations and the recruitment of workers during the cotton harvest.

40. In order to monitor implementation of the Decent Work Country Programme for the period 2014-2016, a tripartite consultative group has been established, headed by the Deputy Minister of Labour. The group comprises representatives of the Ministry of Labour, the Council of the Federation of Trade Unions, the Chamber of Commerce, the Farmers' Council and a representative of the Decent Work Country Programme implementation project.

41. In 2015 monitoring was conducted in accordance with a memorandum of understanding signed by the World Bank and ILO, covering some 1,100 entities across the country's 10 provinces, in which some 9,620 interviews were conducted with the aim of assessing the situation of child and forced labour.

42. In the three provinces not covered by that monitoring exercise (Navoiy, Surxondaryo and Xorazm), monitoring was carried out with the financial and technical support of ILO and the participation of representatives of the Federation of Trade Unions, the Ministry of Labour, the Chamber of Commerce and representatives of provincial non-governmental organizations.

43. These monitoring exercises were in line with ILO principles and included training sessions and seminars throughout the country. The monitoring groups visited cotton fields, farms, educational institutions, health-care facilities, clubs and associations, enterprises and organizations.

44. The monitoring groups were able to confirm that the Government has taken adequate measures to conduct awareness-raising campaigns on the abolition and prevention of forced labour during the cotton harvest and the prohibition of the employment of health-care workers and teachers during harvest periods.

45. The Coordinating Council on Child Labour has established a feedback mechanism with the cooperation of ILO and the World Bank to provide information and deal with any complaints about the use of forced labour during the cotton harvest in 2015. Some

complaints in that regard have been received by the feedback mechanism, but, on investigation, no evidence of forced labour has been found.

46. Inspectors visited some 254 cotton fields and interviewed 1,456 cotton harvesters, 263 farmers and supervisors and 7 children in the fields. The monitoring exercise did not, however, bring to light any information about the use of child or forced labour in Uzbekistan during the cotton harvest.

47. The ILO mission report on the results of the monitoring exercise and the effectiveness of the feedback mechanism noted the commitment of the Government and the social partners to fulfilling their obligations with regard to prohibiting child and forced labour, seeing to it that child labour is not tolerated by society and ensuring that public officials, farmers, staff of educational institutions, health-care workers, the public as a whole and children are fully aware of the inadmissibility of child and forced labour.

48. The results of third party monitoring were welcomed by the ILO Committee of Experts on the Application of Conventions and Recommendations, and, at the 105th session of the International Labour Conference, Uzbekistan was removed from the long list (50 countries) and short list (25 countries) for consideration of individual cases of violations of ILO conventions.

49. In 2016, the Ministry of Labour, together with other ministries and departments, continued its cooperation with international organizations such as ILO and the World Bank on combating trafficking in persons and protecting labour rights.

50. In order to ensure the full implementation of the ILO conventions to which Uzbekistan is a party, on 5 January 2016, the Government approved a plan of action on improving the working and employment conditions and social protection of rural workers for the period 2016-2018, which covers:

- Updating the national legislative framework regulating employment relationships
- Increasing efficiency and mechanization in the agricultural sector through consistent and comprehensive measures
- Promoting the further development of recruitment processes and the terms of employment for seasonal agricultural work
- Improving and building the capacity of feedback and national monitoring mechanisms for the prevention of child and forced labour
- Expanding public awareness-raising efforts on labour rights

51. On 19 March 2016, the First Deputy Prime Minister of Uzbekistan approved a plan of action for the implementation of the ILO conventions to which it is a party concerning the prohibition against forced and child labour in 2016.

52. In accordance with a programme approved by the Prime Minister, a delegation from the United States Department of Labor conducted a country visit to Uzbekistan from 29 March to 1 April 2016.

53. An Uzbek delegation comprising officials of the Ministry of Labour and the chairs of the Council of the Federation of Trade Unions and the Chamber of Commerce of Uzbekistan took part in the 105th session of the International Labour Conference in Geneva. During the Conference, the delegation met with ILO Director-General Guy Ryder, officials from the International Trade Union Confederation (ITUC) and the International Organization of Employers (IOE) and delegations of other ILO member States. During those meetings, representatives of those organizations commended the high level of cooperation that exists between Uzbekistan and ILO, ITUC and IOE.



54. On 12 June 2016, the Ministry of Labour, together with other relevant ministries departments and with the participation of representatives of ILO and the United Nations Children's Fund, conducted a round table to mark World Day Against Child Labour.

55. The Government's activities in this regard were also commended by Kari Tapiola, Special Adviser to the ILO Director-General, Junghun Cho, World Bank Country Manager for Uzbekistan, Pamela Spratlen, United States Ambassador to Uzbekistan, and Yuri Staerk, Head of the European Union delegation to Uzbekistan, during a separate round table on the experience of Uzbekistan in protecting and upholding rights and creating decent working conditions for agricultural workers (5 and 6 May 2016).

56. During her visit to Uzbekistan in March 2016, the General Secretary of the International Trade Union Confederation, Sharan Burrow, noted the significant progress made towards full compliance with international labour standards on the part of both the Government and the social partners, in particular with regard to guaranteeing citizens' social and labour rights. She also acknowledged that child labour had virtually been eradicated in the country and consistent efforts had been made to eliminate forced labour, noting that Uzbekistan could serve as an example to other countries on those matters.

57. When visiting Uzbekistan in March 2016, Associate Deputy Undersecretary for International Affairs of the United States Department of Labor, Eric Biel, confirmed that progress and changes had been made since his last visit to Uzbekistan in July 2014. He noted that many steps had been taken to deal with issues relating to the Government's and social partners' international obligations on the prevention of child labour and expressed the hope that, in 2016, these steps would be strengthened further and would serve as a basis for future progress.

58. The Coordinating Council on Child Labour is currently making preparations for monitoring the use of child and forced labour during the 2016 cotton harvest, which will include the following elements:

- Analysis of the measures taken by ministries, departments, NGOs and other civil society institutions
- Monitoring during the cotton harvest
- Putting the feedback mechanism into practice
- Disseminating information and raising awareness

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