

REFERENCE:GH/fup-121

20 November 2017

Dear Mr. Lapasov,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 11, 13, and 19 of the concluding observations on the report submitted by Uzbekistan ([CCPR/C/UZB/CO/4](#)), adopted by the Committee at its 114th session in July 2015.

On 7 September 2016, the Committee received the reply of the State party. At its 121st session (16 October-10 November 2017), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations (see [CCPR/C/121/4](#)). I hereby attach a copy of the relevant section of the said report (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. The Committee requests the State party to provide this information in the context of its next periodic report due on 24 July 2018.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.



Mauro Politi
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

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Report on follow-up to concluding observations of the Human Rights Committee, [CCPR/C/121/4](#):

Assessment of replies¹

- A Reply/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
 - B Reply/action partially satisfactory:** The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary.
 - C Reply/action not satisfactory:** A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation.
 - D No cooperation with the Committee:** No follow-up report has been received after the reminder(s).
 - E Information or measures taken are contrary to or reflect rejection of the recommendation**
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Concluding observations:	CCPR/C/UZB/CO/4 , 20 July 2015
Follow-up paragraphs:	11, 13 and 19
First reply:	CCPR/C/UZB/CO.4/Add.2 , 7 September 2016
Committee's evaluation:	Additional information required on paragraphs 11[B][C], 13[E][E] and 19[B][C]

Paragraph 11: State of emergency and counter-terrorism

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, terrorism or a 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 subject to effective judicial oversight.**

Summary of State party's reply

The State party elaborates on measures taken to adopt a law governing states of emergency and states that a bill was being prepared for submission to the Ministry of Justice.

The counter-terrorism legal framework, including the Counter-Terrorism Act of 15 December 2000 and the Criminal Code of 22 September 1994, is fully functioning and continuously evolving. Terrorism is clearly defined in article 2 of the Counter-Terrorism

¹ Full assessment available from CCPR/C/119/3 and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf



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Act and liability for terrorism-related crimes is provided for in article 155 of the Criminal Code. The State party reiterates the text of article 155 (see [CCPR/C/UZB/4](#), paras. 705-707) and the Covenant rights guaranteed to persons who have committed acts of terrorism (see [CCPR/C/UZB/Q/4/Add.1](#), paras. 55-56).

Committee's evaluation

[B]: The Committee notes that a bill on states of emergency has been under preparation, and requires information on the status and content of the bill, including clarification on whether derogations from non-derogable provisions of the Covenant during states of emergency are explicitly prohibited, and on whether it complies fully with article 4 of the Covenant.

[C]: The Committee regrets that no measures appear to have been taken since the adoption of the concluding observations to bring the counter-terrorism legislation and practices, including the overly broad definition of terrorism and terrorist activities, in full conformity with its obligations under the Covenant, and to ensure that persons suspected of, or charged with, terrorism or a related crime are provided in practice with all legal safeguards and are not subjected to arbitrary or unlawful restrictions of their rights or inhuman and degrading detention conditions. The Committee reiterates its recommendation.

Paragraph 13: Torture

The Committee reiterates its previous recommendation (see [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 Other Cruel, Inhuman or Degrading Treatment or Punishment, 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.

Summary of State party's reply

The definition of torture in article 235 fully meets the requirements of the Convention against Torture and there is no need to amend criminal legislation. Torture can be committed only by persons conducting an initial inquiry or pretrial investigation, procurators or other employees of law enforcement agencies or penal institutions. When committed by a person other than a law enforcement officer who acts 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/her actions will be classified as aiding and abetting torture or other cruel, inhuman or degrading treatment or punishment. If an offence of this nature is committed by a person other than a law enforcement officer (such as a private individual), then it is to be classified according to Criminal Code provisions concerning offences against health: art. 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.).

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. Pursuant to the principle of equal rights of citizens, an individual who committed torture may be pardoned by the court on the grounds set forth in legislation.

Committee's evaluation

[E]: The Committee regrets the State party's argument that the definition of torture in article 235 of its Criminal Code is fully compliant with article 1 of the Convention against Torture and that no amendments to its criminal legislation are necessary. The Committee reiterates its recommendation.

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[E]: The Committee regrets the State party's erroneous application of the principle of non-discrimination to justify the admissibility of amnesty for persons convicted of torture or ill-treatment. The Committee reiterates its recommendation.

Paragraph 19: Forced labour

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 by improving the working and living conditions in those sectors. The State party should also review its laws and practices to ensure financial transparency and address corruption in the cotton industry and take all measures necessary to prevent deaths in connection with cotton harvesting, investigate thoroughly such cases when they occur and provide effective remedies, including adequate compensation, to victims' families.

Summary of State party's reply

A Coordinating Council on Child Labour has been established, comprising representatives of authorities, trade unions, employers' organizations, other civil society and international organizations.

The State party reiterates information on child labour monitoring for 2014-2016 (see [CCPR/C/UZB/Q/4/Add.1](#), para. 117).

A plan of action on the recruitment of cotton pickers and on prevention of the use of child labour and forced labour in cotton harvesting in 2015 was approved on 17 June 2015. Awareness-raising activities were organized and monitoring of recruitment of workers during the cotton harvest was conducted by the Women's Committee, the Makhalla and Nuronii foundations and the Kamolot youth movement.

The monitoring in 2015 covered some 1,100 entities across the 10 provinces. Some 9,620 interviews were conducted. Visits by the monitoring groups that included the State Legal Inspectorate of Labour confirmed the adequacy of awareness-raising activities on the prohibition of forced labour and employment of health-care workers and teachers during the cotton harvest.

The Coordinating Council on Child Labour established a feedback mechanism to inter alia deal with complaints. While some complaints had been received and investigated, no evidence of forced labour was found.

Inspectors visited some 254 cotton fields and interviewed 1,456 cotton harvesters, 263 farmers and 7 children and identified no use of child or forced labour.

The ILO mission report on the results of the monitoring and the effectiveness of the feedback mechanism noted the commitment towards prohibiting child and forced labour, the social unacceptability of such labour and public awareness of its inadmissibility.

Plans of action on improving the working and employment conditions and social protection of rural workers for the period 2016-2018, and for the implementation of the ILO conventions concerning the prohibition against forced and child labour were approved on 5 January and 19 March 2016, respectively.

Committee's evaluation

[B]: The Committee notes the measures taken to eliminate forced labour in the cotton industry, and requires additional information on (a) any further measures taken to reduce the risk of forced labour of adults and students above 16 years of age in the cotton harvest; (b) the impact of the two plans of action adopted in 2016 on improving the working and employment conditions and social protection of rural workers for the period 2016-2018, and for the implementation of the ILO conventions concerning the prohibition against forced and child labour in 2016 on ending the forced labour in the cotton industry.

[C]: The Committee regrets that no information was provided on measures taken to ensure financial transparency and address corruption in the cotton industry and to prevent deaths in connection with cotton harvesting, investigate thoroughly such cases and provide effective



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remedies, including adequate compensation, to victims' families. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 24 July 2018
