

## Responses to Recommendations

### UZBEKISTAN

Review in the Working Group: 11 December 2008  
 Adoption in the Plenary: 20 March 2009

**Uzbekistan's responses to recommendations (as of 24.02.2010):**

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
31 REC accepted; 16 rejected; 27 "already being implemented to be further considered"; 12 pending	The delegation comments both the 12 REC pending and the 27 "already being implemented to be further considered" but no clear position was given. REC 30 in § 104 is relocated in § 106 and REC 13 in § 106 is relocated in § 107, part II	No additional information provided	Accepted: 30 Rejected: 17 No clear position: 38 Pending: 1

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/10/83:**

**“104. The recommendations formulated during the interactive dialogue have been examined by Uzbekistan and the recommendations listed below enjoy the support of Uzbekistan:**

A - 1. Develop its legislation in order to meet the basic development needs of the country in its transitional period (Palestine);

A - 2. Strengthen inter-ministerial coordination in law enforcement activities of agencies and implementation of measures to protect human rights and fundamental freedoms (Philippines);

A - 3. Continue efforts in promoting and nurturing a vibrant civil society (Malaysia);

A - 4. Accelerate its poverty alleviation programmes (South Africa);

A - 5. Take all appropriate ways and means to further develop and strengthen a culture of human rights, create more human rights capacity-building and promote human rights education and public awareness-raising with a view to better promoting and protecting of all human rights (Islamic Republic of Iran);

- A - 6. Continue the practice of adopting national plans of action on various fields with the purpose to improve the human rights situation in the country, as well as to implement some of the recommendations given by the United Nations treaty bodies (Azerbaijan);
- A - 7. Continue to pursue a policy ensuring that there is no distortion in the development of economic, social, cultural, civil and political rights (Belarus);
- A - 8. Strengthen and deepen interaction with relevant international human rights mechanisms (Malaysia) and continue to engage with them constructively (Bangladesh);
- A - 9. Pursue positive endeavours aimed at promoting and protecting the rights of women, including through the strengthening of the measures already taken to prevent and combat trafficking in women (Cuba);
- A - 10. Continue efforts to combat trafficking in women and children, by fully implementing the recently passed law of April 2008, on countering trafficking in persons (Malaysia);
- A - 11. Consider establishing a national independent mechanism to monitor all places of detention (France);
- A - 12. Improve the conditions of detention (Hungary, Poland); to establish independent mechanisms for complaints and for monitoring conditions in places of detention (United Kingdom);
- A - 13. Introduce awareness-raising programmes aimed at positive contributions of persons with disabilities together with further measures to enhance their participation in decision-making processes (Czech Republic);
- A - 14. Use appropriate international experience to ensure human rights in the ecological crisis zone (Ukraine);
- A - 15. Continue positive efforts to improve economic, social and cultural rights (Cuba);
- A - 16. Continue with positive work to ensure the progress of the rights of children and their full well-being (Cuba);
- A - 17. Promote legislation in conformity with UNICEF and ILO standards regarding the rights of the child (Saudi Arabia);
- A - 18. Continue to work closely with civil society to fight the propagation of HIV/AIDS, without which the 6<sup>th</sup> objective of the MDGs will be difficult to achieve (Morocco);
- A - 19. Continue its efforts, in particular in the area of the juvenile justice system and access to basic health services, especially in prisons, as well as eventual implementation of recommendations that may come out of the review Uzbekistan, with the assistance of the international community (Nigeria);
- A - 20. Continue to improve living standards, access for basic services such as health and education with the full support and cooperation of the international community (Bangladesh);
- A - 21. Continue to give priority to education programmes, therefore contributing to the strengthening of the democratization process (Nicaragua);
- A - 22. Continue to dedicate resources to promote the right to education and the rights of children (Philippines);
- A - 23. Step up existing efforts to implement human rights education and training across all levels of society (Malaysia);
- A - 24. Continue efforts in the areas of human rights education and dissemination (Viet Nam);
- A - 25. Combat organized crimes, terrorism, drug trafficking with the technical assistance of the international community (Algeria);

A - 26. Effectively fight against the practice of forced child labour, including by considering taking specific administrative and penal actions towards those officials who, in their respective provinces, incentivize or facilitate the labour of children in cotton fields (Italy);

A - 27. Continue with international support its efforts to complete its human rights architecture and to spread human rights culture in Uzbekistan, as well as providing the necessary training and capacity building to law enforcement and the members of the judiciary in the area of human rights (Egypt);

A - 28. Disseminate the outcome of the review through the national mass media in order to inform the public at large of its presentation made today, the achievements made and recommendations which are going to be implemented in the next period (Egypt);

A - 29. Adopt and strengthen existing measures to prevent and combat trafficking in women (Egypt).

P - 30. Immediately cease all public support for the employment of children in cotton harvesting and that the Government publicly condemn and effectively combat all forms of child labour ( Germany);<sup>1</sup>

A - 31. Ensure regular inspection of harvesting practices to monitor and guarantee full compliance with international child labour standards (Netherlands).

**105. Uzbekistan indicated that it would study the conformity of the following recommendations with the national legislation of Uzbekistan and will provide its answer in due time:**

NC - 1. Consider ratifying OP-CAT (United Kingdom, Mexico, Poland, Brazil, Denmark, France) in the near future (Denmark), signing the Optional Protocol (Sweden) and take the necessary measures at the national level in order to do so (United Kingdom, and the Rome Statute establishing the International Criminal Court (Mexico, Slovakia, Brazil);

NC - 2. Accede to the OP-CAT and to establish its national preventive mechanism accordingly (Czech Republic);

NC - 3. Strengthen its collaboration with national and international civil society actors, notably by giving general accreditation to the major international human rights organizations (Switzerland);

NC - 4. Reach the human rights goals set out by the Council in its resolution 9/12 (Brazil);

NC - 5. Strengthen cooperation with the special procedures of the Council (Ukraine, Republic of Korea ); to consider extending an open standing invitation to special procedures mechanisms (Mexico, Latvia ,Switzerland),extend invitations to the thematic special procedures (Ukraine) particularly to those that have requested to visit the country (Mexico, Slovakia, Slovenia, Republic of Korea) as well as the Working Group on Arbitrary Detention (Mexico), and in particular the Special Rapporteur on the question of torture (Denmark, Japan, Spain, Switzerland), the Special Rapporteur on freedom of opinion and expression (Spain) the Special Rapporteur on human rights defenders (Ireland, Norway); and to respond questionnaires to the mandate holders in due time (Ukraine) and implement the recommendations made by the Committee Against Torture on human rights defenders (Ireland);

NC - 6. Consider the possibility of adopting legislation which will promote gender equality, and to consider the adoption of legislation to provide equality of rights and opportunities (Argentina);

NC - 7. Consider the possibility of reviewing these practices and also the idea of implementing labour inspections by qualified professionals and with appropriate funding (Argentina);

NC - 8. Modify its criminal code in order to establish a definition on torture and harshness of sentences according to the Convention on Tortures (Chile; Mexico), broaden the definition in a way to encompass all cases of torture by all persons acting in an official capacity (Germany);

NC - 9. Grant access to the announced visits of independent experts to places of detention (Hungary);

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<sup>1</sup> Recommendation moved in document A/HRC/10/83/Add.1 from paragraph 104 to 106. However, this particular recommendation did not receive any response.

NC - 10. Ensure that its legislation and practice fully respect article 19 of the ICCPR (Canada);

NC - 11. Ensure that conscientious objection to military service is available to individuals irrespective of their religion or belief and that the process for consideration applications is under civilian control and to provide a non-punitive civilian alternative service (Slovenia);

NC - 12. Accede to the 1951 Convention relating to the Status of Refugees (Algeria).

**106. Uzbekistan indicated that the following recommendations are pertaining to measures already being implemented or which had already been implemented and will be further considered by the Government:**

NC - 1. Follow the recommendations made by the Committee Against Torture with a view to adopting all necessary measures to combat impunity (Switzerland);

NC - 2. Establish a national human rights institution ( South Africa )in compliance with the Paris Principles (United Kingdom);

NC - 3. Ensure the full and equal enjoyment by women of all human rights without discrimination (Canada); to take effective measures to combat violence against women (Canada); to adopt a law on equal rights and equal opportunities to protect the endangered elements of society, namely children, women and people with disabilities (Hungary);

NC - 4. Take all necessary measures to prevent torture (Germany, United Kingdom, France, The Netherlands, Denmark, Canada) and other cruel, inhuman and degrading treatment or punishment (France, Canada), in particular in places of detention (France, Sweden), in line with international law obligation (Netherlands) and report about the results in the next UPR round (Netherlands) and ensure that the absolute prohibition of torture is observed, (United Kingdom, Denmark, Netherlands), as recommended (United Kingdom); to adopt a zero-tolerance approach to the continuing problem of torture, and to the practice of impunity, as recommended by the Committee Against Torture and the Special Rapporteur (Ireland), to initiate investigations into all allegations of torture or other forms of ill-treatment (Denmark, Austria, Canada), in a thorough, impartial and independent manner (Denmark, Austria), as required by international human rights law (Austria), bring to justice, prosecute and punish all alleged perpetrators (Denmark, Canada), provide victims of torture with adequate reparation in accordance with international human rights obligations (Austria);

NC - 5. Keep all places of detention under systematic review (Canada); guarantee detainees their fundamental rights, especially the right of access to a lawyer (Hungary), ensure in practice better access of every detainee to lawyers, family members (Poland United Kingdom) medical treatment and other legal guarantees to ensure protection from torture (Poland), enable unfettered and continue access of ICRC to detention facilities (Canada), continue to allow unfettered regular access of the ICRC to detention and prison facilities (Czech Republic) to all detention facilities (Slovakia, Poland, Czech Republic, Hungary) in accordance with the ICRC standard working procedures also beyond the trial period (Slovakia) following the encouraging agreement reached in March 2008 (Canada); consider giving priority to the training of law enforcement officials regarding the treatment of detainees (Denmark)

NC - 6. Ensure that the judiciary has the necessary independence from the executive branch, limiting the attributions of the latter to the appointment of judges, in particular to the Supreme Court (Chile)

NC - 7. Introduce a simpler registration process for religious organizations than currently exists (United Kingdom);

NC - 8. Do its utmost to eliminate forced child labour and intensify its efforts to effectively implement the national legislation, in particular the labour code of 1996, and international conventions ratified by the Government on this subject (Switzerland);

NC - 9. Adopt a national legislation complying with international human rights standards, to ensure freedom of assembly as enshrined in the Constitution, in particular by guaranteeing human rights NGOs the right to freely carry out their activities (France)

NC - 10. Broaden the area of freedom of the media, in particular by eliminating restrictions on foreign and national media and adopting more flexible rules relating to the accreditation of foreign journalists (France)

NC - 11. Ensure the exercise of the freedom of expression, assembly, association, and the right to participate in public and political life (Chile);

NC - 12. Ensure that everyone including human rights defenders can peacefully exercise their right to freedom of expression in conformity with obligations under the ICCPR (Netherlands)

**R - 13. Investigate all reports of assaults on and harassment of human rights defenders and bring to justice those responsible (Netherlands)<sup>2</sup>**

NC - 14. Fully respect the freedom of religion or belief as also expressed in the recommendations of the Human Rights Committee (Netherlands)

NC - 15. Adopt adequate measures for the protection and promotion of religious freedom, in order to ensure an effective freedom of worship of all religious communities and comply with its international obligations in this field, and ensure the right to seek, receive and provide information and ideas, including by electronic means and from foreign sources (Italy);

NC - 16. Take further steps to enable civil society to thrive without interference and restrictions (Austria);

NC - 17. Liberalize the work of mass media, and draw a clear distinction between the legitimate fight against terrorism and strict respect for freedom of religion (Spain);

NC - 18. Lift all restrictions on the activities of civil society and complies with the request by the Human Rights Committee to bring its law, regulations and practice governing the registration of political parties into line with the International Covenant on Civil and Political Rights (Ireland);

NC - 19. Adopt effective measures to prevent any harassment or intimidation of all those exercising the right to freedom of opinion and expression, including journalists and human rights defenders (Canada);

NC - 20. Ensure compliance with international child labour standards, including ILO Convention 182 on the Elimination of the Worst Forms of Child Labour and collaborate with ILO to that effect and implement the relevant recommendations of the Committee on the Rights of the Child and the Human Rights Committee (Canada);

NC - 21. Apply fairly and without discrimination all registration procedures and in conformity with international standards (Norway);

NC - 22. Promote and protect human rights and fundamental freedoms by applying the measures stipulated in the law to combat terrorism, drug trafficking and other threats against the national security (Mexico);

NC - 23. Take appropriate legislative and policy measures in order to guarantee full respect of human rights, including in the fight against terrorism (Sweden);

NC - 24. Implement the ILO Convention concerning the Minimum Age for Admission to Employment and the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Finland);

NC - 25. Fully implement the national strategy to fight against child labour and to promote decent work (Brazil);

NC - 26. Implement effectively its commitments relating to freedom of religion as contained in the ICCPR, to which Uzbekistan is a party (France);

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<sup>2</sup> Recommendation moved in document A/HRC/10/83/Add.1 from paragraph 106 to 107, part II.

NC - 27. Ensure the full implementation of ILO Conventions 182 and 138, and that it stop the practice of sending school-age children to participate in the harvesting of cotton (Poland).

**107. The following recommendations did not enjoy the support of Uzbekistan: Uzbekistan considers that the recommendations contained in paragraphs 33 (a, b), 39 (a), 48 (c), 65(a), and 79 (d, f, g, h) are not part of Uzbekistan's obligations under internationally agreed human rights standards."**

R - Paragraph 33(a) (Chile): "To establish conditions that would allow for an international and independent investigation to establish the facts concerning Andijan"

R - Paragraph 33(b) (Chile): "To end the practice of forced return of persons who sought asylum in bordering States after the events in Andijan"

R - Paragraph 39(a) (Finland): "That the Uzbek Government allow independent investigations of labour rights abuses"

R - Paragraph 48(c) (Mexico): "Ensure compliance with article 4 of the International Covenant on Civil and Political Rights and the general observation number 29 of the Human Rights Committee on state of emergencies."

R - Paragraph 65(a) (Canada): "To establish an independent international commission of inquiry tasked with the investigation in relation to the events of May 2005 in Andijan and to prosecute and punish all those responsible for human rights violations"

R - Paragraph 79(d) (Czech Republic): "Recommended the decriminalization of consensual same-sex activity between adults and the adoption of measures to promote tolerance in this regard"

R - Paragraph 79(f) (Czech Republic): "To release political prisoners"

R - Paragraph 79(g) (Czech Republic): "To ensure punishment of persons responsible for serious violations of human rights"

R - Paragraph 79(h) (Czech Republic): "To ensure also thorough, independent and impartial investigation of all previous serious violations of human right, including the tragic event of May 2005 in Andijan"

**"Uzbekistan considers the recommendations contained in paragraphs 43(a), 44, 50 (a, b), 65(d), 67 (a) and 87 (a) as unacceptable because factually wrong."**

R - Paragraph 43(a) (Austria): "Recommend that any restrictions on the activities of civil society be lifted and safeguards implemented to prevent human rights defenders from being prosecuted for their peaceful activities"

R - Paragraph 44 (Belgium): "To reinforce the protection of human rights defenders and free those who are still detained in their capacity as human rights defenders"

R - Paragraph 50(a) (Spain): "Recommended the liberation of all human rights defenders who remain in prison about the situation of Solijon Abdurakhmanov and Agzam Turgunov"

R - Paragraph 50(b) (Spain): "To eliminate restrictions on the activities of human rights NGOs"

R - Paragraph 65(d) (Canada): "To release all detained human rights defenders and political prisoners"

R - Paragraph 67(a) (Switzerland): "Recommended making a humanitarian gesture by liberating prisoners for political and religious offenses who are in serious health condition."

R - Paragraph 87(a) (Norway): "To ensure that human rights defenders are protected from unjust imprisonment, intimidation and violence and that it release those imprisoned or sentenced for carrying out peaceful human rights advocacy"

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