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Report of the Working Group on the Universal Periodic Review*

Uzbekistan

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies presented by the State under
review**

* The present document was not edited before being sent to the United Nations translation services.

Comments of the Republic of Uzbekistan on 14 recommendations of the Human Rights Council Working Group on the second Universal Periodic Review as contained in document A/HRC/24/7

135.1 Ratify the Convention on the Rights of Persons with Disabilities (Brazil) (Iraq)

135.2 Intensify efforts to ratify the Convention on the Rights of Persons with Disabilities (State of Palestine)

135.3 Continue its legal measures on ratification of the Convention on the Rights of Persons with Disabilities which had been signed by the Government in early 2009 (Iran (Islamic Republic of))

135.4 Continue the effort to integrate international norms into national legislations by way of ratification, including by completing the ratification process of the Convention on the Rights of Persons with Disabilities (Indonesia)

Comments:

1. The Government signed the Convention on the Rights of Persons with Disabilities on 27 February 2009.
2. The basic provisions of the Convention are set out in the Social Protection for the Disabled Act of 11 July 2008. The Health Protection Act, Education Act, Employment Act and Guarantees of the Rights of the Child Act, among others (in total over 70 pieces of legislation), establish the basis for guaranteeing equal rights and opportunities for persons with disabilities.
3. Four animated films on the rights of disabled persons and films on vocational education for disabled persons were produced in preparation for ratification of the Convention, and an advisory council was set up to consolidate the efforts of not-for-profit NGOs working for the interests of persons with disabilities under the National Association of Non-Governmental Non-Profit Organizations of Uzbekistan.
4. On 23 July 2010, a national conference on the topic "Implementation of the Convention on the Rights of Persons with Disabilities: national and international experience", attracted over 100 representatives of State bodies and civil society organizations.
5. In 2013, under the United Nations Development Programme project Inclusive Employment and Social Partnership, the text of the Convention has been translated into Uzbek, studies are being made of the experience of other countries in implementing its provisions and consideration is being given to ratifying of the Convention with reservations.

135.5 Intensify efforts to safeguard the rights of women and eliminate discriminatory practices against them (Nigeria)

Comments:

6. Uzbekistan condemns discrimination against women, since it prevents the participation of women on an equal basis with men in all areas of the life of their country and hinders the full realization of women's rights and opportunities.

7. Legislative, institutional, educational and oversight measures aimed at achieving gender equality are set out in the national action plan to implement the recommendations of the Human Rights Committee following the consideration of the third periodic report, and the national action plan to implement the recommendations of the Human Rights Council following the consideration of the initial report of Uzbekistan under the universal periodic review. At present, a national action plan — approved on 3 August 2010 by the Cabinet of Ministers — on implementation of the concluding observations of the Committee on the Elimination of Discrimination against Women following the consideration of the fourth periodic report of Uzbekistan is being put into effect.

8. Particular attention is paid to women in the yearly State programmes. The State programme for the Year of Well-being and Prosperity, approved on 14 February 2013, sets out systematic measures to improve the population's quality of life by creating new jobs, strengthening social support for vulnerable groups, developing entrepreneurship and improving the public health-care system, particularly for women and children. A figure of 6,655 billion sum (US\$ 319.2 million) was allocated to implementation of the programme.

9. The Convention is studied as part of legal education and training programmes for judges, prosecutors, lawyers and officials from State bodies at all levels.

135.6 Continue its efforts to eliminate discrimination against women, especially those living in the rural areas (Singapore)

Comments:

10. Discrimination against women living in rural areas is not permitted in Uzbekistan, regardless of their ethnic origin, language, religion, social origin, beliefs, personal or social status, or place of residence. The State takes a balanced approach to improving the situation of women living in both urban and rural areas, while taking into account the specific problems experienced by women living in the countryside.

11. In March 1998, the Government approved a National Platform and a Plan of Action for 1998–2007 to improve the situation of women in Uzbekistan, including those living in rural areas. Their implementation established the conditions for significant advances in women's equality in society, the development of a legislative framework to address the problems of women and the creation of a national mechanism for women's rights and freedoms. In Uzbekistan, 49.93 per cent of the population are women; 24.21 per cent of women live in rural areas.

12. In the first half of 2013, regional programmes for women's employment created 248,617 jobs, including 126,341 through the development of small businesses and entrepreneurship, 31,765 through the development of private farms and 11,248 due to new facilities entering into operation.

13. The Women's Committee of Uzbekistan is implementing a programme of measures to step up activities in 14 key regions to implement the targeted socioeconomic development programme for 2011–2013 and establish model infrastructure in those regions to protect the rights and legitimate interests of women. Under the programme, 110 women have received training and been placed in work in Tashkent alone. These measures are marked by their targeted approach and include matching women entrepreneurs with young women who wish to learn about business.

14. With the support of the German Savings Banks Foundation for International Cooperation, advice and information centres have been set up in 13 regions and assistance has been given in the allocation of credit in remote, rural regions and communities. This collaboration has helped to organize home-based work for women, retrain women for new occupations and develop knowledge of family entrepreneurship.

135.7 Accelerate the process for adopting the law for equality between men and women (Spain)

Comments:

15. The bill on guarantees of equal rights and equal opportunities for women and men drafted by the National Centre for Human Rights and the Women's Committee of Uzbekistan has been examined by national and foreign experts.

16. A programme of regional seminars has taken place to develop and discuss the necessary modifications to the bill, which is currently being redrafted to take account of the comments, proposals and views put forward during these regional events.

135.8 Put an end to torture and other cruel, inhuman or degrading punishment or treatment by applying the recommendations of the Committee against Torture, the Human Rights Committee, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Switzerland)

Comments:

17. All three branches of State power in Uzbekistan follow a policy of condemning torture, articulated through parliamentary control measures and the decisions of staff at the Office of the Procurator-General, the Ministry of Internal Affairs, the coordination meetings of law enforcement agencies and the plenum of the Supreme Court.

18. Article 235 of the Criminal Code defines the use of torture and other cruel, inhuman or degrading treatment. It complies fully with the requirements of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

19. For the first time in legislative practice, the use of torture is prohibited under the new Act on Pretrial Detention during Criminal Proceedings of 29 September 2011, article 7 of which specifies the legal situation of detainees and remand prisoners, providing that "the use of torture and other cruel, inhuman or degrading treatment against detainees and remand prisoners shall not be permitted".

20. The Act of 10 April 2009 amending Certain Legislative Acts concerning the Activities of the Commissioner for Human Rights of the Oliy Majlis (parliament) (the Ombudsman) introduced amendments to the Code of Criminal Procedure and the Penal Enforcement Code. For example, under article 216, paragraph 2, of the Code of Criminal Procedure, the administrations of detention and remand centres are obliged to provide the necessary conditions for detainees and remand prisoners to hold unrestricted and confidential meetings and discussions with the Ombudsman.

21. With a view to preventing violations of the law and human rights in law enforcement by the internal affairs agencies, quarterly surveys and reviews of respect for the law and human rights by internal affairs officers are sent to the units and local agencies of the Ministry of Internal Affairs and are discussed by the staff.

22. The Office of the Procurator-General systematically examines information on all cases of illegal treatment and punishment of citizens throughout the country. The observance of human rights and the prevention of the use of torture and other degrading forms of treatment and punishment by staff of the law enforcement agencies are discussed regularly at the coordination meetings of the law enforcement agencies. Decisions are taken according to the results of the meetings and specific requirements are set before the relevant bodies to address shortcomings and improve work in the field of human rights.

23. An interagency working group has been established to study the state of observance of human rights by the law enforcement agencies and other State bodies attached to the

Ministry of Justice. During its sessions, it considers complaints about unlawful actions committed by staff of the law enforcement agencies, including those submitted to the Office of the United Nations High Commissioner for Human Rights, and then takes the appropriate decisions.

24. Uzbekistan presented its fourth report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Committee against Torture in 2011. The consideration of the report is scheduled for October 2013.

25. As part of the implementation of the concluding observations of the Human Rights Committee (art. 10) following the consideration of the third periodic report of Uzbekistan on the implementation of the International Covenant on Economic, Social and Cultural Rights, every incident involving physical force, ill-treatment or restrictions on the rights and legitimate interests of persons held in places of detention gives rise to an official investigation. Senior officials of the Ministry of Internal Affairs and the Central Penal Correction Department carry out a thorough review, those found guilty are subject to severe disciplinary measures — typically involving the dismissal of the guilty party from the internal affairs agencies — and the official review file is handed over to the procurator's office.

26. Since 2004, in order to monitor the physical condition of persons being held in places of detention and to bring to light any possible incidents of unlawful treatment, the Central Department for Penal Correction has introduced regular training for medical and other staff of the prison system in new methods of detecting the signs of torture. The training programme includes study of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

27. Uzbekistan actively cooperates with the treaty bodies and special mechanisms of the United Nations regarding the implementation of its international obligations in the field of human rights and freedoms and regularly submits information to these structures on various aspects of human rights.

28. Between 2010 and 2012, detailed information was provided in response to communications from the United Nations Special Rapporteur in respect of secret detention in the context of countering terrorism and the Special Rapporteur of the Human Rights Council on contemporary forms of slavery, Ms. Gulnara Shahinian; updated information was provided on the implementation of the recommendations of the former Special Rapporteur on the question of torture, Mr. Theo van Boven; the Rapporteur for follow-up on concluding observations of the Committee against Torture, Ms. Felice Gaer; and the Special Rapporteur on the question of torture, Mr. Juan Méndez, among others.

135.9 Adopt a specific law protecting women against domestic violence and prosecuting and punishing the perpetrators (Republic of Moldova)

Comments:

29. Uzbekistan supports the call of the United Nations to mobilize efforts to eradicate all forms of violence against women.

30. On 20 April 2010, the Deputy Prime Minister established a working group under the Women's Committee to study international experience in the prevention of violence against women, for the purpose of preparing a policy framework for a bill on the prevention of domestic violence.

31. The prohibition of all forms of violence against persons, including women and girls, is established in the Constitution, the Guarantees of the Rights of the Child Act and the Prevention of Human Trafficking Act.

32. The Criminal Code establishes liability for crimes against the life, health and sexual freedom of persons, including women and girls. Where crimes of this type are committed against women and girls, this constitutes an aggravating circumstance.

33. Steps are being taken to improve the Family Code and the Criminal Code and to adopt special legislation on violence against women that provides for the necessary pretrial and judicial protection of women victims and children and also criminalizes such acts of violence.

34. In accordance with the Citizens' Communications Act, units of the crime prevention department of the Ministry of Internal Affairs register all communications from women concerning any forms of violence against them; the claims contained in these communications are then subjected to initial inquiry and verification. Where a case of violence against a woman is confirmed, the initial inquiry file is immediately passed on to the pretrial investigation units of the internal affairs agencies.

35. Special entities have been set up in Uzbekistan to provide assistance to victims of violence: crisis centres, telephone helplines and women's social adaptation centres are in operation in various regions of the country and provide counselling, medical care and legal assistance to women victims of violence. The National Rehabilitation Centre to Assist and Protect Victims of Human Trafficking has been established in Tashkent, providing assistance to women and girls who have been subjected to sexual exploitation.

135.10 Eliminate the forced labour of children, especially through the effective implementation of national legislation and international conventions ratified in this respect, and authorize the ILO to carry out monitoring of the cotton harvest (Switzerland)

Comments:

36. Cabinet of Ministers Decision No. 82 of 26 March 2012 approved the Plan of Additional Measures to implement, in 2012–2013, the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and Worst Forms of Child Labour Convention, 1999 (No. 182), which have been ratified by Uzbekistan.

37. The liability of farming enterprises and individuals, including parents, for the engagement of children in the worst forms of child labour and violations of labour laws concerning persons under 18 years, was strengthened through the adoption of the Act of 21 December 2009 amending the Administrative Liability Code to Improve the Legal Protection of the Rights of Minors.

38. Parliamentary monitoring of implementation of the ILO conventions ratified by Uzbekistan has been introduced. In particular, progress in the implementation of ILO Conventions No. 138 and No. 182 was discussed at a joint session of the Legislative Chamber Committee on International Cooperation and Interparliamentary Relations and the Senate Committee on Foreign Policy Matters. On 8 February 2012, a parliamentary hearing of the Legislative Chamber Committee on Democratic Institutions, Non-Governmental Organizations and Local Authorities was held on implementation of the Convention on the Rights of the Child by the Ministry of Justice.

39. The Government takes every measure to stop the use of child labour for agricultural work, including for harvesting cotton.

40. In order to implement Cabinet of Ministers Decision No. 82 of 26 March 2012, the Ministry of National Education adopted Order No. 90 of 30 March 2012 approving a package of measures to explain to the parents of minors the dangers and consequences of employing children in the worst (harsh) forms of child labour, to improve monitoring of students' school attendance and to prevent juvenile crime and vagrancy.

41. A joint decision of 27 June 2012 on better monitoring of students' school attendance, increased personal responsibility for managers of educational establishments and greater social pressure on the parents of students who miss lessons without a valid excuse was adopted by the Ministry of National Education, the Secondary Special Vocational Education Centre of the Ministry of Higher and Secondary Specialized Education, the Central Council of the Kamolot youth movement and the national administration of the Mahalla Charitable Foundation.

42. According to the results of an independent study carried out by the United Nations Children's Fund (UNICEF) in 2012, 4.5 million students at general education schools were not employed harvesting cotton.

43. Following extensive work in September and October 2012, not one single confirmed case was found of any school student employed to harvest cotton.

135.11 Accept a visit by an ILO mission during the next cotton harvesting season to monitor the situation of forced labour (Hungary)

135.12 Invite a tripartite ILO mission to monitor the situation during the cotton harvest with regard to its compliance with labour conventions to which Uzbekistan is party (Germany)

135.13 Give the International Labour Organization together with the United Nations access to Uzbekistan with the aim of monitoring the development on the use of child labour and assisting with advice (Sweden)

Comments:

44. It appears that the issue of alleged long-running, mass forced child labour for the cotton harvest in Uzbekistan and the use of child labour as a method of unfair economic competition is being unacceptably and artificially exaggerated, when in fact Uzbek cotton occupies the leading position on the global market due to its quality. It is also unacceptable to take a selective approach to both ILO Convention No. 182 and its implementation in individual countries, in the given case in Uzbekistan.

45. The evidence reveals the following:

- Firstly, all the cotton harvested in Uzbekistan in 2012, 3.4 million tons, was harvested by private producers — farmers on 70,000 private farms that employ over 1.4 million persons — in accordance with previously concluded agreements, over the course of 30 to 40 days. These farmers have no economic interest in employing additional workers;
- Secondly, the Country Office of UNICEF in Uzbekistan stated, on the basis of monitoring that took place in 2012, that school students were not being employed to harvest cotton;
- Thirdly, according to the Ministry of Health, during the cotton harvest in 2012, across 6,161 plots: containers for the supply and storage of drinking water were installed, alongside 6,583 toilets; 7,902 kg of disinfectant were distributed; and 7,700 refreshment stands were set up.

46. A round table was held from 17 to 18 July 2013 in Tashkent on the prospects for technical cooperation in implementing the international commitments of Uzbekistan in the framework of ILO.

47. Over 60 experts took part in the round table, including representatives of the ILO secretariat, the ILO Office in Moscow, the International Organization of Employers, the International Trade Union Confederation, the European Commission, the offices of the United Nations, UNICEF and the European Union, the embassies of the United States of America, the United Kingdom, France, the Russian Federation, China, India and Italy in Uzbekistan, as well as members of the interdepartmental working group on the preparation and submission of information on implementation of the ILO conventions ratified by Uzbekistan. The participants of the round table noted that significant progress had been made in Uzbekistan in implementing the country's international commitments within the framework of ILO, including the prohibition of forced labour and of discrimination in the field of employment.

135.14 Review the provisions on defamation and insult in articles 139 and 140 of the Criminal Code (Portugal)

Comments:

48. Article 139, paragraph 1, and article 140 of the Criminal Code set out administrative *res judicata* with regard to the above-mentioned offences. Only in cases of aggravated defamation or insult can criminal liability be pursued, regardless of whether the person involved has previously been found administratively liable.

49. In accordance with the amendments introduced to the Criminal Code in January 2012, cases concerning crimes provided for in article 139, paragraphs 1 and 2, and article 140, paragraphs 1 and 2, that are brought as private prosecutions (Criminal Code, art. 325), that is, on the basis of a complaint from the victim, may be terminated if there is reconciliation of the parties (art. 66¹).

50. Furthermore, no criminal proceedings were brought in 2012 and the first six months of 2013 against journalists or human rights defenders by the investigative units of the internal affairs agencies under articles 139 and 140 of the Criminal Code.
