

# **Uzbekistan**

## **Mid-term Implementation Assessment**



**UPR-INFO.ORG**  
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 26 October 2011

## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/uzbekistan>

We invite the reader to consult that webpage as all recommendations, as the full reports and the unedited comments can be found at that very internet address.

26 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted as well.

5 NGOs responded to our enquiry. The State under Review did not respond to our enquiry. The domestic NHRI did not respond to our enquiry either.

*IRI*: 107 recommendations are not implemented, 18 recommendations are partially implemented, 1 recommendation is fully implemented and no clear position on 11 recommendations. No answer was received for 4 out of 140 recommendations.

### 2. Index

Hereby the issues which the MIA deals with:

| rec.<br>n° | Issue   | page    | IRI             |
|------------|---|---------|-----------------|
| 1          | Public security, Technical assistance,                      | page 7  | -               |
| 2          | International instruments, Asylum-seekers - refugees,       | page 7  | not impl.       |
| 3          | Women's rights  | page 7  | fully impl.     |
| 4          | Labour  | page 8  | not impl.       |
| 5          | Torture and other CID treatment                             | page 8  | not impl.       |
| 6          | Torture and other CID treatment, International instruments, | page 9  | not impl.       |
| 7          | Civil society   | page 9  | not impl.       |
| 8          | Civil society, Human rights defenders,                      | page 11 | not impl.       |
| 9          | Treaty bodies, National plan of action,                     | page 11 | partially impl. |
| 10         | General   | page 11 | not impl.       |
| 11         | Technical assistance, Right to education, Right to health,  | page 12 | partially impl. |
| 12         | CP rights - general, ESC rights - general,                  | page 12 | partially impl. |

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|----|--|---------|-----------------|
| 13 | Human rights defenders   | page 13 | not impl.       |
| 14 | Labour, Rights of the Child,   | page 13 | not impl.       |
| 15 | General  | page 14 | not impl.       |
| 16 | International instruments, Torture and other CID treatment,            | page 14 | not impl.       |
| 17 | International instruments, Justice,                                    | page 15 | not impl.       |
| 18 | Detention conditions   | page 15 | not impl.       |
| 19 | Torture and other CID treatment  | page 8  | not impl.       |
| 20 | Freedom of opinion and expression                                      | page 16 | not impl.       |
| 21 | Treaty bodies, International instruments, Labour, Rights of the Child, | page 13 | not impl.       |
| 22 | Freedom of opinion and expression, International instruments,          | page 16 | not impl.       |
| 23 | Women's rights   | page 16 | partially impl. |
| 24 | Detention conditions   | page 17 | not impl.       |
| 25 | Torture and other CID treatment  | page 18 | not impl.       |
| 26 | Women's rights   | page 19 | not impl.       |
| 27 | Human rights violations by state agents                                | page 20 | not impl.       |
| 28 | Freedom of opinion and expression, Human rights defenders,             | page 20 | not impl.       |
| 29 | International instruments, Torture and other CID treatment,            | page 20 | not impl.       |
| 30 | Justice  | page 21 | not impl.       |
|    | Freedom of association and peaceful assembly, Freedom of opinion       |         |                 |
| 31 | and expression,  | page 22 | not impl.       |
| 32 | Asylum-seekers - refugees  | page 23 | not impl.       |
| 33 | Justice  | page 25 | not impl.       |
| 34 | ESC rights - general   | page 12 | partially impl. |
| 35 | Rights of the Child  | page 25 | not impl.       |
| 36 | Women's rights, Trafficking,   | page 19 | not impl.       |
| 37 | Human rights education and training, Disabilities,                     | page 27 | partially impl. |
| 38 | International instruments, Torture and other CID treatment,            | page 14 | not impl.       |
| 39 | Detention conditions   | page 15 | -               |
| 40 | Sexual rights  | page 27 | not impl.       |
| 41 | Freedom of opinion and expression                                      | page 28 | not impl.       |
| 42 | Human rights violations by state agents                                | page 25 | not impl.       |
| 43 | Justice  | page 28 | partially impl. |
| 44 | Torture and other CID treatment, Special procedures,                   | page 28 | not impl.       |
| 45 | Torture and other CID treatment  | page 8  | not impl.       |
| 46 | Torture and other CID treatment  | page 9  | not impl.       |
| 47 | Human rights education and training, Detention conditions,             | page 28 | not impl.       |
| 48 | International instruments, Torture and other CID treatment,            | page 15 | not impl.       |
| 49 | UPR process  | page 29 | not impl.       |
| 50 | Women's rights, Trafficking,   | page 29 | partially impl. |
| 51 | Technical assistance, Human rights education and training,             | page 28 | not impl.       |
| 52 | International instruments, Labour, Rights of the Child,                | page 13 | not impl.       |
| 53 | Labour   | page 30 | not impl.       |
| 54 | Detention conditions   | page 31 | not impl.       |
| 55 | Civil society, Freedom of association and peaceful assembly,           | page 22 | not impl.       |
| 56 | Freedom of the press   | page 31 | not impl.       |

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|----|--|---------|-----------------|
| 57 | Freedom of religion and belief, International instruments,                       | page 31 | not impl.       |
| 58 | Torture and other CID treatment  | page 33 | not impl.       |
| 59 | International instruments, Torture and other CID treatment,                      | page 15 | not impl.       |
| 60 | Torture and other CID treatment  | page 21 | not impl.       |
| 61 | Torture and other CID treatment  | page 34 | not impl.       |
| 62 | Labour, Rights of the Child,   | page 35 | not impl.       |
| 63 | Detention conditions   | page 36 | not impl.       |
| 64 | Disabilities, Women's rights, Rights of the Child,                               | page 36 | partially impl. |
| 65 | Detention conditions   | page 37 | partially impl. |
| 66 | Detention conditions   | page 37 | partially impl. |
| 67 | Detention conditions   | page 16 | -               |
| 68 | Human rights education and training  | page 38 | -               |
| 69 | Human rights defenders, Special procedures,                                      | page 38 | not impl.       |
| 70 | Torture and other CID treatment, Treaty bodies, Human rights<br>defenders,       | page 39 | partially impl. |
| 71 | International instruments, Treaty bodies, Civil society,                         | page 39 | not impl.       |
| 72 | Treaty bodies, Impunity, Special procedures, Torture and other CID<br>treatment, | page 40 | not impl.       |
| 73 | Labour, Rights of the Child,   | page 35 | not impl.       |
| 74 | Freedom of opinion and expression, Freedom of religion and belief,               | page 31 | not impl.       |
| 75 | Torture and other CID treatment, Special procedures,                             | page 28 | not impl.       |
| 76 | Special procedures   | page 41 | not impl.       |
| 77 | Human rights education and training  | page 38 | -               |
| 78 | General  | page 11 | not impl.       |
| 79 | Civil society  | page 9  | not impl.       |
| 80 | Rights of the Child, Women's rights, Trafficking,                                | page 29 | partially impl. |
| 81 | Detention conditions, Special procedures,  | page 41 | not impl.       |
| 82 | International instruments, Torture and other CID treatment,                      | page 21 | not impl.       |
| 83 | Counter-terrorism, Public security,  | page 42 | not impl.       |
| 84 | Special procedures   | page 41 | not impl.       |
| 85 | International instruments, Torture and other CID treatment,                      | page 15 | not impl.       |
| 86 | International instruments, Justice,  | page 15 | not impl.       |
| 87 | Torture and other CID treatment, International instruments, Justice,             | page 42 | -               |
| 88 | Civil society, HIV - Aids,   | page 42 | not impl.       |
| 89 | Labour, Rights of the Child,   | page 35 | not impl.       |
| 90 | International instruments, Freedom of opinion and expression,                    | page 43 | not impl.       |
| 91 | Human rights defenders,  | page 43 | not impl.       |
| 92 | Treaty bodies, Freedom of religion and belief,                                   | page 43 | not impl.       |
| 93 | UPR process, Torture and other CID treatment,                                    | page 34 | not impl.       |
| 94 | Human rights defenders   | page 44 | not impl.       |
| 95 | Right to education   | page 38 | -               |
| 96 | Justice, UPR process, Right to health, Rights of the Child,                      | page 44 | not impl.       |
| 97 | Civil society  | page 39 | not impl.       |
| 98 | Human rights defenders, Special procedures,                                      | page 39 | not impl.       |
|    | Human rights defenders   | page 45 | not impl.       |

|     |  |         |                 |
|-----|--|---------|-----------------|
| 100 | General  | page 46 | partially impl. |
| 101 | Rights of the Child, Right to education,   | page 46 | partially impl. |
| 102 | Detention conditions   | page 46 | not impl.       |
| 103 | Detention conditions, Torture and other CID treatment,                                     | page 37 | partially impl. |
| 104 | International instruments, Labour, Rights of the Child,                                    | page 35 | not impl.       |
| 105 | International instruments, Torture and other CID treatment,                                | page 15 | not impl.       |
| 106 | Detention conditions   | page 16 | -               |
| 107 | Special procedures   | page 41 | not impl.       |
| 108 | Special procedures   | page 12 | not impl.       |
| 109 | Rights of the Child  | page 35 | not impl.       |
| 110 | Special procedures   | page 41 | not impl.       |
| 111 | International instruments, Justice,  | page 15 | not impl.       |
| 112 | Detention conditions   | page 16 | -               |
| 113 | Special procedures   | page 41 | not impl.       |
| 114 | Other  | page 47 | not impl.       |
| 116 | NHRI   | page 49 | not impl.       |
| 117 | Freedom of opinion and expression, Torture and other CID<br>treatment, Special procedures, | page 49 | not impl.       |
| 118 | Freedom of religion and belief, Counter-terrorism, Freedom of the<br>press,                | page 49 | not impl.       |
| 119 | Civil society  | page 50 | not impl.       |
| 120 | Human rights defenders   | page 50 | not impl.       |
| 121 | Detention conditions, Torture and other CID treatment,                                     | page 50 | not impl.       |
| 122 | Counter-terrorism  | page 49 | not impl.       |
| 123 | International instruments, Torture and other CID treatment,                                | page 15 | not impl.       |
| 124 | Torture and other CID treatment, Special procedures,                                       | page 28 | not impl.       |
| 125 | Labour, Rights of the Child,   | page 35 | not impl.       |
| 126 | Impunity, Torture and other CID treatment, Treaty bodies,                                  | page 34 | not impl.       |
| 127 | Civil society  | page 51 | not impl.       |
| 128 | Special procedures   | page 42 | not impl.       |
| 129 | Freedom of religion and belief, Justice,   | page 51 | not impl.       |
| 131 | Special procedures   | page 42 | not impl.       |
| 133 | Special procedures   | page 12 | not impl.       |
| 134 | Detention conditions   | page 52 | not impl.       |
| 135 | NHRI   | page 49 | not impl.       |
| 136 | Detention conditions   | page 38 | partially impl. |
| 137 | Freedom of religion and belief   | page 52 | partially impl. |
| 138 | Torture and other CID treatment  | page 34 | not impl.       |
| 139 | International instruments, Torture and other CID treatment,                                | page 52 | not impl.       |
| 140 | Human rights education and training  | page 38 | -               |



### **3. Feedbacks on recommendations**

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Recommendation n°1: *Combat organized crimes, terrorism, drug trafficking with the technical assistance of the international community.* (Recommended by Algeria)

IRI: -

CIVICUS response:

According to official reports and government controlled mass media the cooperation of the Uzbek government in combating organized crime, terrorism, drug trafficking with the technical assistance of the following international organizations: the Interpol Bureau in Uzbekistan; the Collective Security Treaty Organization; the Shanghai Cooperation organization; the UNODC; the OSCE; regional structures and coordinating bodies of the national law enforcement bodies (e.g. within the Commonwealth of Newly Independent States); bilateral cooperation programs of the relevant ministries and government agencies of the USA, Germany, France, Great Britain and others; regional and bilateral treaties on cooperation and assistance on criminal cases. In practice though it is difficult to analyze and assess to what degree such cooperation is effective and complying with international human rights standards as such procedures lack transparency and remain closed from the public eyes.

Recommendation n°2: *Accede to the 1951 Convention relating to the Status of Refugees.* (Recommended by Algeria)

IRI: *not implemented*

CIVICUS response:

To date the Uzbek government hasn't made any public statement or pledge mentioning accession to the 1951 Convention on Status of Refugees.

Recommendation n°3: *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.* (Recommended by Argentina)

IRI: *fully implemented*

CIVICUS response:

In July 2011 the Uzbek government has approved a five-year National Action Plan on implementation of the latest recommendations and concluding observations of the UN Committee on elimination of discrimination against women. Following this step the Uzbek authorities are now developing so called National Action Plan on Human Rights. One of the sections in the draft National Action Plan on Human Rights focuses on women's rights. This section in particular intends to adopt new Laws "On guarantees of equality of rights and equality of possibilities for men and women", "On prevention of domestic violence" and "On protection of reproductive rights of citizens and guarantees of their implementation". To what extent those two mentioned

national actions problems and new legislative mechanisms would be effective and address this recommendation we will know from practice in the future.

Recommendation n°4: *Consider the possibility of reviewing these practices and also the idea of implementing labour inspections by qualified professionals and with appropriate funding.* (Recommended by Argentina)

*IRI: not implemented*

CIVICUS response:

The National Action Plan on implementation of the recommendations of the UN Committee on elimination of discrimination against women and draft National Action Plan on Human Rights points out the need of creation of legislative mechanisms for guaranteeing equal rights of women in the labour market. But none of the suggested mechanisms so far include establishment of special labour inspections as such.

Recommendation n°5: *Initiate investigations into all allegations of torture or other forms of ill-treatment in a thorough, impartial and independent manner as required by international human rights law.* (Recommended by Austria)

*IRI: not implemented*

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Recommendation n°19: *Initiate investigations into all allegations of torture or other forms of ill-treatment and bring to justice, prosecute and punish all alleged perpetrators of torture or other forms of ill-treatment.* (Recommended by Canada)

*IRI: not implemented*

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Recommendation n°45: *Initiate investigations into all allegations of torture or other forms of ill-treatment in a thorough, impartial and independent manner and bring to justice, prosecute and punish all alleged perpetrators of torture or other forms of ill-treatment.* (Recommended by Denmark)

*IRI: not implemented*

CIVICUS response:

According to the law, complaints on torture can be brought directly to law enforcement agencies (police, National Security, prosecutor's office), which after preliminary review of facts of the complaints have to make a decision whether to open the criminal case or to deny the request for criminal investigation. This decision can be appealed to all the higher instances of the law enforcement agency up to the General Prosecutor and further to the court of general jurisdiction from the first to the third instance (review of legality). These institutions do not provide for independent investigation. The state argues that it put in place various mechanisms to ensure that the complaints of torture are handled with due care. However the practice shows that impunity for the perpetrators of torture is as systematic as the torture itself. Even the official statistics below show how insignificant the rate of prosecution is in comparison to quoted numbers of allegations. [...] As for the quality of statistics, it is difficult to verify the numbers provided by the government as the procedure for registering and collecting data on torture is not transparent and remains closed for



public access. In addition to this, the overwhelming environment of fear, oppression and despair surrounding the victims of torture prevent them from openly speaking out and reporting on their cases. The official statistics, therefore, grossly misrepresent the scope of torture, as the number of complaints on torture is far, far greater than the reported 1744 according to human rights monitors. It should be noted that over the last years, it has become extremely challenging and at times dangerous to collect and monitor the facts about torture and ill-treatment, to criticize such practices and to identify the alleged perpetrators. [...]

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 torture and other forms of violence by officials against eg. religious believers continue.

Recommendation n°6: *Provide victims of torture with adequate reparation in accordance with international human rights obligations* (Recommended by Austria)

*IRI: not implemented*

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Recommendation n°46: *Take all necessary measures to prevent torture and ensure that the absolute prohibition of torture is observed.* (Recommended by Denmark)

*IRI: not implemented*

CIVICUS response:

The insignificant level of prosecution of torture perpetrators and resulting impunity effectively undermines the rights of victims for reparation, rehabilitation and adequate compensation. Civil law legislation provides for general provisions on obtaining compensation from the state when the harm sustained by individuals was caused by state agents. These provisions, however, do not apply to torture victims, as the civil courts will not hear the case without the results of the criminal trial. Thus, the national legislation does not provide for effective civil compensation separate from the criminal prosecution. The state also lacks any system of rehabilitation for the victims of torture. Rehabilitation centers in the administrative centers of each region and district provide assistance to former prisoners with employment, health and re-socialization issues, but do not address specifically the issue of post-torture rehabilitation. [...]

Recommendation n°7: *Take further steps to enable civil society to thrive without interference and restrictions.* (Recommended by Austria)

*IRI: not implemented*

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Recommendation n°79: *Continue efforts in promoting and nurturing a vibrant civil society.* (Recommended by Malaysia)

*IRI: not implemented*

CIVICUS response:

[...] the people of Uzbekistan are allowed to realize their rights and freedoms only to that extent where it doesn't pose a threat to the position of the ruling elite. The civil society institutions are also allowed to operate accordingly and raise only those issues which do not directly or indirectly endanger the positions of the ruling elite. In attempt to apply more control over the society the authorities have undertaken several measures in the course of last 4-5 years which imply very important consequences for the perspectives of human rights situation in the country:

First, with government's gross interference the local civil society sector has been reformatted at large. Many NGOs with independent agenda have been closed down, the remaining were forced to join the government created national umbrella NGO coalitions like the National Association of NGOs of Uzbekistan one of the main functions of which is to guide the Uzbek NGOs through the path desirable by the government. [...] Making the journalists working for international or foreign media leave the country in 2005-2006 the government at the same time has introduced strict rules of accreditation of all journalists with the Uzbek Ministry of Foreign Affairs (for journalists representing international or foreign mass media) or the key government bodies (for journalists who want to cover the activities of those government bodies);

Second, the government guided and controlled the participation of the political parties in the political life of the country. [...] From election to election the Uzbek authorities have decreased the number of the actors who enjoy the right of participating in elections (i.e. nominating candidates) and with the parliamentary elections of December 2009 limited it just to the political parties. It can't be denied that the political parties are becoming more active in law-making issues although it could hardly be said that they are able yet to effectively implement their important function of the parliamentary control or scrutiny over the executive branch of the government or declare themselves in opposition to the ruling political elite;

Third, pulling the whole responsibility of legal, judicial, political and economic reforms on its own shoulders [...] the government of Uzbekistan has been forced to take some initial steps forward on a range of problematic issues such as introduction of habeas corpus institute and pre-trial detention; abolition of death penalty; [...] etc. With no doubt the steps outlined above are far from perfect and they are just first necessary steps forward.

The consequences of the above described measures have contradictory character: they have undoubtedly increased the government control over the whole society, including the implementation of rights and freedoms, and civil society institutions; but at the same time the increasing of burden on the Uzbek civil society with toughened responsibility and control measures might hopefully affect the quality, capacity and potential of the Uzbekistani civil society and result in its improvement. Both the independent wing of the Uzbekistani civil society and international aid and development programs will have to take into account the renewed and reformatted

government approach to the civil society activity and the role of the human rights and public interest NGO groups.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 interference and restrictions on people exercising right to freedom of religion and belief continued.

Recommendation n°8: *Recommended 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.* (Recommended by Austria)

*IRI: not implemented*

CIVICUS response:

No change or development noted in the situation so far. The government of Uzbekistan still continues applying tough restrictions on the activities of the civil society and prevent the local human rights, independent journalists and defence attorneys from their activities. Range of restrictions applied by the Uzbek government include illegal detentions, trumped up criminal charges and imprisonment, stopping and closure of the NGO groups, denying exit visa, persecuting relatives and family members, etc.

Recommendation n°9: *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.* (Recommended by Azerbaijan)

*IRI: partially implemented*

CIVICUS response:

[...] The national action plans are very short term, usually cover one and rarely two or three years. The measures secured in the national action plans are in most cases of symbolic character, not directly targeting the problem in focus, but rather focusing on such measures as education, studying foreign experience, seminars, conferences, and training. Upon completion of the terms of the national action plans the government announces that the problem has been solved. As a matter of fact the scheme of national action plans are doing a very good service for the government of Uzbekistan in diverting the attention of the Uzbek public and international community from the existing problems per se.

Recommendation n°10: *Continue to engage with relevant international human rights mechanisms constructively.* (Recommended by Bangladesh)

*IRI: not implemented*

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Recommendation n°78: *Strengthen and deepen interaction with relevant international human rights mechanisms.* (Recommended by Malaysia)

*IRI: not implemented*

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Recommendation n°108: *Strengthen cooperation with the special procedures of the Council.* (Recommended by Republic of Korea)

*IRI: not implemented*

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Recommendation n°133: *Strengthen cooperation with the special procedures of the Council.* (Recommended by Ukraine)

*IRI: not implemented*

CIVICUS response:

The preamble of the draft National Action Plan on Human Rights which the government of Uzbekistan is currently discussing says that to date the number of official reports submitted by the Uzbek authorities to different UN Human Rights Committees reach up to 30. [...] The volume of individual complaints and communications from Uzbekistan on different individual human rights violations has been growing for the last period. [...] In most cases independent observers of such processes note that the efforts of the government delegation are oriented not to supporting dialogue and intention to follow recommendations for improvement but to become defensive and accept recommendations as allegations. [...]

Recommendation n°11: *Continue to improve living standards, access for basic services such as health and education with the full support and cooperation of the international community.* (Recommended by Bangladesh)

*IRI: partially implemented*

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Recommendation n°34: *Continue positive efforts to improve economic, social and cultural rights.* (Recommended by Cuba)

*IRI: partially implemented*

CIVICUS response:

The Uzbek laws, different bylaws adopted by the Uzbek Cabinet of Ministers and President set minimal standards in the spheres of access to a living place, health, education, social services, wages and social subsidies from the government. [...] The existing system of wages and different social subsidies (pensions, stipends, other social support payments) remain very low and not enough to allow their recipients meet the ends. Independent studies show for many years most households in the country try not to depend on their regular wages and other social subsidies but rely more on alternative sources of income (mostly remaining in the shadow economy). Because of high unemployment rate, especially in rural areas, most male population in the labour age leave the country as labour migrants. The national system of medical services and health care, education is vulnerable to corruption which make it really difficult for poor segments of the population to reach services in those spheres.

Recommendation n°12: *Continue to pursue a policy ensuring that there is no distortion in the development of economic, social, cultural, civil and political rights.* (Recommended by Belarus)

*IRI: partially implemented*

CIVICUS response:

In practice the Uzbek authorities continue to position themselves more as a social state oriented to take care about social, economic and cultural rights. The central government fears wide implementation of civil and political rights as their true implementation might challenge those who have remained in power in this country for the last 20 years.

Recommendation n°13: *Reinforce the protection of human rights defenders and free those who are still detained in their capacity as human rights defenders.* (Recommended by Belgium)

*IRI: not implemented*

CIVICUS response:

No change or development noted in the situation so far. The government of Uzbekistan still continues applying tough restrictions on the activities of the civil society and prevent the local human rights, independent journalists and defense attorneys from their activities. Range of restrictions applied by the Uzbek government include illegal detentions, trumped up criminal charges and imprisonment, stopping and closure of the NGO groups, denying exit visa, persecuting relatives and family members, etc. Up to 20 Uzbek civil society activists still remain in prisons serving their prison terms.

Recommendation n°14: *Fully implement the national strategy to fight against child labour and to promote decent work.* (Recommended by Brazil)

*IRI: not implemented*

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Recommendation n°21: *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.* (Recommended by Canada)

*IRI: not implemented*

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Recommendation n°52: *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.* (Recommended by Finland)

*IRI: not implemented*

CIVICUS response:

The problem of forced child labour remains in Uzbekistan although the intensified international and local criticism over this issue for the last several years has forced the Uzbek authorities to adopt the National Action Plan against child labour and two ILO Conventions banning worst forms of child labour and setting minimum age for labour. However, this hasn't prevented the Uzbek authorities to apply forced child

labour in agricultural field, including cotton crop, throughout a year, with expanding forced child labour involvement during autumn when Uzbekistan traditionally gathers cotton harvest. Lately the authorities are discussing to adopt two more new laws - Law "On environmental security of child" and Law "On protection of health of child". However, we expect the Uzbek authorities will retain forced child labour in the coming years although the government might try to distance itself from this problem and involve farmers and the local governments in getting the minors to the agricultural work.

Recommendation n°15: *Reach the human rights goals set out by the Council in its resolution 9-12.* (Recommended by Brazil)

*IRI: not implemented*

CIVICUS response:

[...] Our studies show that the Uzbek government is in the process of reaching the following goals secured in the Resolution:

Universal ratification of the core international human rights instruments and dedication of all efforts towards the universalization of the international human rights obligations of States – Uzbekistan has ratified the core six international human rights treaties. Lately, the government has acceded to many more international human rights treaties; [...] the Uzbek government has created the National Human Rights Center and Ombudsman. [...] those institutions are not independent from the Uzbek government that is why their activities are not effective; [...] According to the official reports the Uzbek government has adopted up to ten national action plans targeting different human rights problems but such mechanisms are not effective [...]

We think the government of Uzbekistan has so far failed implementing the following human rights goals set out in the Resolution 9-12:

Strengthening of the legal, institutional and policy framework at the national level in order to ensure the promotion and protection of all human rights;

Adoption and implementation of programmes of human rights education [...];

Increasing cooperation with all mechanisms of the United Nations human rights system, including special procedures and treaty bodies;

Creation of favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of all human rights, including the right to development.

Recommendation n°16: *Consider ratifying OP-CAT.* (Recommended by Brazil)

*IRI: not implemented*

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Recommendation n°38: *Accede to the OP-CAT and to establish its national preventive mechanism accordingly.* (Recommended by Czech Republic)

*IRI: not implemented*

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Recommendation n°48: *Consider ratifying OP-CAT in the near future.*  
(Recommended by Denmark)

*IRI: not implemented*

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Recommendation n°59: *Consider ratifying OP-CAT.* (Recommended by France)

*IRI: not implemented*

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Recommendation n°85: *Consider ratifying OP-CAT.* (Recommended by Mexico)

*IRI: not implemented*

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Recommendation n°105: *Consider ratifying OP-CAT.* (Recommended by Poland)

*IRI: not implemented*

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Recommendation n°123: *Consider signing the Optional Protocol to the Convention against Torture.* (Recommended by Sweden)

*IRI: not implemented*

CIVICUS response:

No such intentions are revealed or known to us so far.

Recommendation n°17: *Consider ratifying the Rome Statute establishing the International Criminal Court.* (Recommended by Brazil)

*IRI: not implemented*

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Recommendation n°86: *Consider ratifying the Rome Statute establishing the International Criminal Court.* (Recommended by Mexico)

*IRI: not implemented*

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Recommendation n°111: *Consider ratifying the Rome Statute establishing the International Criminal Court.* (Recommended by Slovakia)

*IRI: not implemented*

CIVICUS response:

No such intentions are revealed or known to us so far.

Recommendation n°18: *Enable unfettered and continue access of ICRC to detention facilities following the encouraging agreement reached in March 2008.*  
(Recommended by Canada)

*IRI: -*

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Recommendation n°39: *Continue to allow unfettered regular access of the ICRC to detention and prison facilities.* (Recommended by Czech Republic)

*IRI: -*

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Recommendation n°67: *Continue to allow unfettered regular access of the ICRC to all detention facilities.* (Recommended by Hungary)

IRI: -

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Recommendation n°106: *Continue to allow unfettered regular access of the ICRC to all detention facilities.* (Recommended by Poland)

IRI: -

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Recommendation n°112: *Continue to allow unfettered regular access of the ICRC to all detention facilities in accordance with the ICRC standard working procedures also beyond the trial period.* (Recommended by Slovakia)

IRI: -

### CIVICUS response:

Because of confidentiality the ICRC office in Uzbekistan cannot share details of their visitation of facilities other than to say that they theoretically have access. But it is clear that ICRC is under serious pressure -- after being denied for so many years the right to visit facilities -- to not flex its muscle too much and to focus on "other aspects" of their mandate in Uzbekistan, such as running educational trainings for Uzbek officials and prison guards on the principles of international humanitarian law.

Recommendation n°20: *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.* (Recommended by Canada)

IRI: not implemented

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Recommendation n°22: *Ensure that its legislation and practice fully respect article 19 of the ICCPR* (Recommended by Canada)

IRI: not implemented

### CIVICUS response:

The Uzbek government has so far failed providing enough guarantees and taking effective measures to prevent harassment and intimidation of activists, including journalists and rights defenders who exercise the right to freedom of opinion and expression. Such harassment and intimidation include threats, beatings, bringing to the court on trumped up administrative, civil and even criminal cases, imprisonment, punishing by fines under libel charges, etc.

### Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 people exercising rights to free opinion and expression on eg. religious matters still seriously harassed and persecuted.

Recommendation n°23: *Ensure the full and equal enjoyment by women of all human rights without discrimination.* (Recommended by Canada)

*IRI: partially implemented*CIVICUS response:

In July 2011 the Uzbek government has approved a five-year National Action Plan on implementation of the latest recommendations and concluding observations of the UN Committee on elimination of discrimination against women. Following this step the Uzbek authorities are now developing so called National Action Plan on Human Rights. One of the sections in the draft National Action Plan on Human Rights focuses on women's rights. This section in particular intends to adopt new Laws "On guarantees of equality of rights and equality of possibilities for men and women", "On prevention of domestic violence" and "On protection of reproductive rights of citizens and guarantees of their implementation". To what extent those two mentioned national actions problems and new legislative mechanisms would be effective and address this recommendation we will know from practice in the future. The National Action Plan on implementation of the recommendations of the UN Committee on elimination of discrimination against women and draft National Action Plan on Human Rights points out the need of creation of legislative mechanisms for guaranteeing equal rights of women in the labour market. But none of the suggested mechanisms so far include establishment of special labour inspections as such.

Recommendation n°24: *Keep all places of detention under systematic review*  
(Recommended by Canada)

*IRI: not implemented*CIVICUS response:

Independent non-governmental investigators, including international NGOs, do not have a full and prompt access to all detention places - that is police lock-ups, pre-trial detention centers, National Security Service detention facilities, detention units of medical and psychiatric institutions and clinics - and as such have no means to monitor personal treatments and conditions of detention. The procedure for obtaining such authorizations is not clear at all. [...] According to the State report, the Central Penal Correction Department would have produced a model agreement to govern access by nonprofit organizations to detention places.

This statement must be disallowed. The model agreement has never been made public or otherwise disseminated among the stakeholders. No system allows to representatives of the civil society an access to penitentiary facilities. The penitentiary system in Uzbekistan remains a closed system. [...] Having access to detention places, such as police lock-ups, pre-trial detention centers, National Security Service detention facilities, detention units of medical and psychiatric institutions and clinics, has become even more difficult since the Andijan events, in May 2005. The ICRC was denied access to prisons and other detention places in June 2005. [...]

According to the Law "On Ombudsman", the Ombudsman's office visits all detention places [...] The Ombudsman is empowered with the authority to inspect, as he wants to, as necessary and without notice, any place of detention. The Ombudsman's

institution in Uzbekistan is fully dependent from the executive branch and its visits to detention places may not shed any light on the situation. Reports of the Ombudsman's office [...] are not made public. It is one of the reasons why it is so complicated to follow up the recommendations of the Ombudsman's [...]

Recommendation n°25: *Take all necessary measures to prevent torture and other cruel, inhuman and degrading treatment or punishment.* (Recommended by Canada)

*IRI: not implemented*

CIVICUS response:

Torture is systematic in the criminal justice system of Uzbekistan. Our studies have demonstrated that the majority of cases of torture occur during the first 72 hours of pre-trial detention. It means that they take place before official charges are taken and measures of restraint decided by the investigating body. During this period the detainees are usually held incommunicado.

For the vast majority of the population in Uzbekistan the risk of being subject to torture or similar ill-treatment increases if a person is from a poor group of the society [...]

However, in cases perceived as being politically motivated, the length of incommunicado detention is much longer. [...] The most common methods of torture and ill-treatment include:

- Beating, sometimes using rubber clubs, plastic bottles filled in with water or sand or metal or wooden sticks
  - Suffocation with gas masks or plastic bags, sometimes using gas-lighters or detention in gas chambers
  - Burning the hair on the body or parts of the body with lighters
  - Cutting or damaging parts of the body with a knife or similar objects, pretend to cut the face with a knife
  - Rape or sexual harassment
  - Shackling and binding
  - Deprivation of food or sleep
  - Denial of access to bathroom facilities
  - Denial of medical services
  - Pressure by detaining family members and relatives on trumped-up administrative or criminal charges
  - Serious threats, including threats of criminal charges or murder to the detainee or family members
  - Denial of space and time for accomplishing prayers and follow other religious services
  - Instigating physical harassment and attacks between inmates against each other.
- It should be noted that it is dangerous in a country like Uzbekistan to convey facts about torture and similar ill-treatment, to criticize such practices and to identify the alleged perpetrators. Victims of torture, their families, human rights activists,

journalists and involved lawyers face huge pressure and are subject to constant persecutions.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 torture and other forms of violence by officials against eg. religious believers continue.

Recommendation n°26: *Take effective measures to combat violence against women.* (Recommended by Canada)

*IRI: not implemented*

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Recommendation n°36: *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.* (Recommended by Cuba)

*IRI: not implemented*

CIVICUS response:

Violence against women can take many forms, i.e. domestic violence, polygamy, forced marriage, rape, trafficking, forced prostitution and exploitation, forced sterilization and harassment at work place, and in many instances it may amount to torture or cruel, inhuman or degrading treatment. Women's human rights violations are widespread in Uzbekistan. [...] Many women, especially in the rural areas, are victims of domestic violence, rape, forced marriages, trafficking, forced sterilization and removal of reproductive organs, and discriminatory treatment in prison. Frequently, cases of violence are not prosecuted because the families and society in general will see women as being guilty of misbehaviour instead of seeing them as victims. Moreover, public agents, such as judges and police officials, who should protect women, do not consider certain practices as violations of their fundamental rights. There is no law addressing specifically acts of violence committed against women. More generally, the Criminal Code punishes different levels of bodily harm (Articles 97-112 of the Criminal Code).

Article 118 of the Criminal Code defines rape as sexual intercourse committed by force, threats, or abuse of a helpless person, and punishes it by a sanction of three to ten years of imprisonment. In the Criminal Code the act of "attempt of rape" is not considered a crime.

There is no definition of domestic violence in the Uzbek legislation. The Criminal Code does not consider domestic violence as a crime and does not explicitly prohibit it. [...]

One of the most widespread forms of violence against women in Uzbekistan is domestic violence. [...] Such practices are often attributed to women's own (perceived) misconduct. Hence, women do not denounce frequent acts of domestic violence committed against them because they fear being excluded from society.

Although violence against women is a widespread phenomenon that requires special attention, no special mechanism to receive complaints for domestic violence was ever adopted by the authorities [...]

To address the issue of domestic violence, the State should allow the divorce for women victims. However, the Committees of Mahalla (the local self-government entity), organized by the State (12,000 such entities exist in the country), who plays an important role, often blocks this access to divorce. [...]

In a minority of cases criminal legislation has been appropriately applied to punish domestic violence acts pursuant to Articles 104, 109 and 110.

In the draft National Action Plan on Human Rights which is being now discussed the Uzbek authorities plan to adopt a special Law "On prevention of domestic violence".

*Recommendation n°27: 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. (Recommended by Canada)*

*IRI: not implemented*

CIVICUS response:

The Uzbek government's position on instituting a full, effective, impartial inquiry into the May 2005 events at Andijon remains unchanged and unquestionable. The government doesn't want a new investigation into May 2005 Andijon events and has closed this page of the history at least for now. [...] The same tough position was again reiterated by the highest government delegations at different UN meetings during the last years (November 2007 UN CAT, March 2010 UN Human Rights Committee). The Uzbek government hasn't also incorporated the International Minimal Standards on using firearms by the law enforcement agencies and state military into the national legislation.

*Recommendation n°28: Release all detained human rights defenders and political prisoners. (Recommended by Canada)*

*IRI: not implemented*

CIVICUS response:

To date up to 20 Uzbek civil society activists remain in prisons serving their prison terms under trumped up criminal cases. The Uzbek government hasn't shown any intention to release any of them so far.

*Recommendation n°29: Modify its criminal code in order to establish a definition on torture and harshness of sentences according to the Convention on Tortures. (Recommended by Chile)*

*IRI: not implemented*

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Recommendation n°60: *Broaden the definition on torture and harshness in a way to encompass all cases of torture by all persons acting in an official capacity.* (Recommended by Germany)

*IRI: not implemented*

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Recommendation n°82: *Modify its criminal code in order to establish a definition on torture and harshness of sentences according to the Convention on Torture.* (Recommended by Mexico)

*IRI: not implemented*

#### CIVICUS response:

Under the Uzbekistan Criminal Code, crimes involving torture are a separate category of offences. The amended article 235 of the Criminal Code (“Use of torture or other cruel, inhuman or degrading treatment or punishment”) [...] does not conform to the definition of “torture” under the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (articles 1 and 4).

Indeed, the former is much more narrow with regard to the authors of torture. It rules out or omits torture which occurs “...at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”. Thus, it does not qualify as a crime torture or similar ill-treatment which is used in other institutions, out of the boundaries of the criminal justice process, such as military, psychiatric clinics, hospitals, penitentiary system, orphanage houses, houses for elderly people and etc.

Furthermore, the definition of torture in article 235 of the Criminal Code of Uzbekistan suggests torture or similar ill-treatment can be inflicted only on “...a suspect, accused person, witness, victim or other party to criminal proceedings, or on a convict serving sentence, or on close relatives of the above”. On another hand, articles 1 and 4 of the Convention state torture or similar ill-treatment may be inflicted on any person, which refers not only to participants in the criminal procedure.

Recommendation n°30: *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.* (Recommended by Chile)

*IRI: not implemented*

#### CIVICUS response:

[...] Contrary to Uzbekistan’s Constitution and to international law, crucial matters, which affect the individuals’ rights and liberty in the pre-trial phase of the criminal justice process, are not subject to judicial control. Under the law, the first involvement of the judiciary in the criminal justice process takes place at the very end of the pre-trial investigation. In practice, at this stage, the courts fail to rigorously examine allegations of ill-treatment, torture or other violations, from the accused, during the pre-trial phase. More generally, they fail to act in an independent and impartial manner. One reason is that the appointment of judges, at all levels, is largely

determined by the President. In addition, judges are appointed for a relatively short period that is only five years. Although there are guarantees to protect judicial independence, these are ineffective if judges know that they may not be re-appointed if they offend the Government.

Recommendation n°31: *Ensure the exercise of the freedom of expression, assembly, association, and the right to participate in public and political life.* (Recommended by Chile)

*IRI: not implemented*

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Recommendation n°55: *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.* (Recommended by France)

*IRI: not implemented*

### CIVICUS response:

#### *Freedom of assembly*

[...] In practice the procedure of holding assemblies is regulated by the 2003 Cabinet of Ministers' Decree on "On the establishment of procedures for conducting mass events". This bylaw has mostly affected the freedom of movement, assembly and expression of the Uzbek human rights defenders. Yet another decree in principle governs the actions of the state authorities in regulating the exercise of freedom of assembly. [...] The organizers of events, both indoors and outdoors, must provide detailed information at least 10 days prior to the event [and t]he local administration must make a decision and inform the applicants at least 5 days before the start of the event. [...]

In practice the local authorities abuse the rule of timely response by announcing their decision on the date or later than the date of the event stated in the application in order to disrupt the organization and logistics of the meeting. [...]

The law provides strict liability for the violations of the authorities' decision to ban the event or the conditions imposed for holding it [...] There is the possibility of criminal sanctions for organizers of the event if the event disrupts public order and safety [...].

In practice many human rights NGOs have been subjected to these administrative and criminal sanctions in relation to organizing, participating and holding of events on various issues.

The draft National Action Plan on Human Rights which is now being discussed by the Uzbek authorities plans to adopt a special Law "On conducting street demonstrations, meetings and pickets".

#### *Freedom of association*

In Uzbekistan the registration of civil society organizations is disproportionately more complicated than of any other civil entity such as business, banks or insurance companies. The legislative framework sets unjustifiably burdensome procedures for NGO registration, gives wide discretionary powers to the executive and is open to abuse by the authorities. [...]

According to Section # 3 of the Rules, the Ministry of Justice is allowed 2 months to consider the application documents. It is entitled to send the application documents for comments and expert opinion to the corresponding state agency regulating affairs in that particular field of NGO operations. In case of human rights NGOs the documents are sent to the National Center for Human Rights of the Uzbek Government. Such state agencies can recommend the Ministry to approve or refuse the registration based on their expert opinion. Such expert opinions are considered classified information and cannot be challenged by the NGOs. Because of the time required to collect such expert opinions, the Ministry is allowed to extend the period of consideration for another month. Very often this lengthy period of 3 months is violated by the Ministry of Justice.

Section # 3 of the Rules sets the following three types of decisions to be taken by the Ministry of Justice upon consideration of application documents:

- register documents;
- refuse to register documents;
- or leave the application without consideration due to failure to meet the application requirements .

In practice the Ministry often resorts to the third type of decisions, leaving the NGO in the legal limbo. It often brings the argument that the statute does not comply with the requirements of Article 10 on Public Associations. Another common practice employed by the authorities is to contact the list of members and pressure them to withdraw their consent to forming the NGO. [...]

Some of the “mistakes” discovered by the Ministry in the application documents are on face value absurd. For example, in its official letter denying a registration of the human rights group “Mazlum” the Ministry of Justice wrote “...the group can’t put as its goal protection of human rights since Article 43 of the Constitution secures the State’s role in promotion and protection of the rights and freedoms of citizens...” Or in other occasions the Ministry’s letter said that the applicant could not choose combating torture as one of its objectives because the Uzbek legislation outlaws torture and hence, there is no torture in Uzbekistan.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 people exercising rights to free expression, assembly and association on eg. religious matters still seriously harassed and persecuted.

Recommendation n°32: *End the practice of forced return of persons who sought asylum in bordering States after the events in Andijan.* (Recommended by Chile)

*IRI: not implemented*

CIVICUS response:

[...] The Uzbek Authorities have linked human rights activists, Uzbek opposition and independent journalists to the “organizers” and “sponsors” of the Andijan uprising and launched wide repression on civil society activists.

Since the Andijan events, the Office of the UN High Commissioner for Refugees (UNHCR) has registered hundreds of Uzbeks as refugees in Kyrgyzstan. They mostly have been relocated to third countries. Apparently, European countries have been quiet welcoming; efforts to relocate refugees to the United States or Canada have occasionally bogged down due to lengthy security checks. While waiting for relocation, Uzbek refugees in Kyrgyzstan are under constant threat of abduction and forced repatriation, since Uzbekistan's security services are believed to be actively searching them. Deportations from Kyrgyzstan of official asylum-seekers seem to have stopped, whereas fugitives, who lack such status, have no protection. [...]

Uncertainty surrounds the fate of Uzbeks who fled the country. [...] Even if refugee life's stress and loneliness may have been the deciding factor for returning, coercion is thought to have been used against them or, perhaps, against their relatives in Uzbekistan. Concerns were even more maintained with the mysterious deaths of two Uzbek refugees in the United States while they attempted to stay. 25-year-old Olimjon Sobirov, a native of Andijan, died in his sleep in September 2006 in the U.S. state of Idaho. Later that month, 30-year-old Samarqand native Zahidjon Mahmudov died in similar circumstances. "V SSHA pri strannykh obstoiatel'stvakh skonchalis' dve andizhanskikh bezhentsy" [In the USA two Andijan refugees have died in strange circumstances], Ferghana.ru, October 6, 2006.

It is impossible to get information about the persons who are sent back or to guarantee their safety. The main international organisation that might be able to do so, the UNHCR, was forced to close its Uzbekistan office in March 2006. [...]

The latest case has been forced return of 28 Uzbek asylum seekers from Kazakhstan in June 2011. 29 asylum seekers, most of them Uzbek citizens, extradited from Kazakhstan to Uzbekistan and their family members are in desperate need of protection. Their fate remains unknown to their relatives, families of most of them who have remained in Almaty, Kazakhstan and lost their breadwinners are not sure whether to return to Uzbekistan or stay in the foreign country. [...]

The practice of the latest cases with religious motives, especially cases opened after well reported shoot outs in the old part of Tashkent, terrorist attacks in Andijan region in 2009, murders, suicide attempts on several public figures in 2009-2010, have demonstrated that the role of legal counsel in general, not speaking about state provided legal counsel is very low and not effective for protecting the rights and interests of the suspect, accused and defendants. It is obvious that in the case of the extradited persons from Kazakhstan the role of the state provided legal counsel would be in the same way ineffective. [...] Families which have initially planned to receive asylum in the third countries and living in Kazakhstan temporarily are now divided and lost their breadwinners. [...] The promise of the Uzbek authorities not to subject the extradited persons to torture or similar ill-treatment, allow representatives of the international organizations, namely the International Committee of Red Cross and World Health Organization sounds unconvincing, again taking into consideration well documents numerous accounts of torture in this field.

Recommendation n°33: *Establish conditions that would allow for an international and independent investigation to establish the facts concerning Andijan.* (Recommended by Chile)

IRI: not implemented

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Recommendation n°42: *Ensure also thorough, independent and impartial investigation of all previous serious violations of human right, including the tragic event of May 2005 in Andijan.* (Recommended by Czech Republic)

IRI: not implemented

#### CIVICUS response:

The Uzbek authorities have several times sent clear messages that the issue of international probe into Andijon 2005 events is closed for them. We don't see this recommendation to be realistic for now but this doesn't exclude the need to constantly remind the Uzbek government about it.

Recommendation n°35: *Continue with positive work to ensure the progress of the rights of children and their full well-being.* (Recommended by Cuba)

IRI: not implemented

#### CIVICUS response:

Child status and rights are undermined under many occasions in Uzbekistan. The Uzbek government ratified the Convention on the Rights of the Child (hereinafter the CRC) on 29th June 1994. The CRC entered into force for Uzbekistan on July 29th 1994. The Government did not ratify the two Optional Protocols to the CRC. Uzbekistan has signed and ratified the main UN human rights standards, most of which contain provisions on child rights. [...] According to the Plan of the Legislative Chamber of the Uzbek Parliament Oliy Majlis for the years 2005-2009, the "Law on guarantees of the rights of children" should have been adopted in March 2006. This law is not still passed. The Uzbek Parliament was also discussing a draft law on the rights and welfare of children in Uzbekistan. To date this law is also not passed yet. [...] An Office of the Ombudsperson that may receive and deal with complaint on violations of children's rights exists. [...]

[...] the Criminal Code contains provisions about acts of violence against children that may amount to cruel, inhuman or degrading treatment [...]. But these acts are only some specific aspects of child violence and are not comprehensive nor covered systematically by the definition of torture or other cruel, inhuman or degrading treatment or punishment. Real protection of the child needs an effective prohibition and definition of torture against children with aggravated penalties according to the age of the victim when it is committed by state agents or private individuals. The issue of the family culture is mostly identified by the issue of social culture. [...] Such concept of the family contributes to abusive behaviors by fathers that undoubtedly lead to violence against children both in the family and the society. [...] Uzbekistan is accountable to this situation because it fails to protect children against this kind of violence which is really destructive to child development. In rare cases when the



victim or a relative complain to the police, it does not pay much attention to the violation considering it as a private matter that should be solved privately. Moreover, [...] there is no existing mechanism to grant remedy and redress to child victims.

Uzbekistan retains forced child labour in different forms: child labour in picking the cotton harvest, child labour in the family household and involving children in cleaning of the local neighbourhood of an educational facility or a living place. [...] Conditions of hiring of children are regulated by so-called suppliers of such workers from Uzbekistan, from the accepting party in the Russian Federation or Kazakhstan, and also direct employers. As a matter of fact, it is more favourable to both sides to employ the child than the adult. [...] But their labor and living conditions pose many threats to their lives and personal security. [...]

[...] Uzbekistan has a child prostitution problem, but no official data are available to assess its proportions. [...] Traffickers most often target girls aged between the ages of 11 to 16, but boys are also trafficked. There is some information relating to young women who are forced to move to the Persian Gulf, Malaysia, South Korea, Thailand, Turkey and Western Europe for the purpose of prostitution. [...]

A genuine juvenile justice system as prescribed by international relevant standards does not exist in Uzbekistan. [...] There are no specific courts with the jurisdiction to judge criminal cases involving minors. [...] Moreover, there are no special departments of investigation and cases involving children are dealt with by the general jurisdiction.

The government is working with the UNICEF on the draft law on juvenile justice. While finalizing the drafting of the present report in October 2007, this law is not still passed in Uzbekistan. Besides that, the UNICEF has proposed to the Uzbek government creating a specialized court for juvenile justice in Uzbekistan but the Uzbek government did not respond to this proposal yet. [...]

[...] Minors are detained on the same grounds as adults. A juvenile can be deprived of his/her liberty before the trial and after the conviction to a detention sentence [...]

[...] deprivation of liberty can happen before or after the conviction. Before the conviction, children can be sent into investigation solitary confinement cells that are on police premises. [...]

Until today it has been difficult [...] to accurately assess the situation in juvenile detention centres and colonies. Foreign delegations have not been granted access to these institutions [...]. This has created a strong impression that conditions of detention are not in accordance with international standards. This is reinforced by the existence of cases of unregistered detentions.

In police premises, the cells are overcrowded, have insufficient lighting, no ventilation, and no heating. Children are frequently abused.

[...] Cases of arbitrary arrest and detention without grounds are regularly reported. Motivation for arrest and detention is often lacking. Moreover, infringements of the



terms of custody, fabrication of false guilt evidences incidences of bribery, falsification of charges, harassment of the offender's family and torture at the arrest and interrogation phases are also common.

In addition, it is not rare that some basic guarantees are infringed during the different stages of the proceedings. Regarding the right to a legal assistance, a legal counsel can be provided in case the juvenile cannot afford one. However, in practice, lawyers are reluctant to defend children because the State only remunerates them with 600 sums (approx. 0,5 USD) for protecting children. In addition, lawyers are often informed last-minute of the details of the case. It exists also doubt as to whether the right to the presence of a psychologist, pedagogue is ever applied. The principle of presumption of innocence is also often violated. Indeed, children and their representatives carry the burden of proving lies with the accusation.

[...] Despite article 67 of the Family Code that allows a child of 14 years old and up to file a complaint against his/her parents/guardians, if the later do not respect his/her child rights, it is very rare that children report being abused. Many children are unaware of their rights and their possible protection which thus remains pure theory. Moreover, there is no information about appropriate contacts in case of abuse, and abuse "help-lines" do not exist within the country.

Support and reinsertion of victims are also very poor: sexually abused girls are often sent to detention centres in order to cover up the family abuser instead of being protected. State agencies dealing with children prefer not to interfere in family matters and seldom resort to deprivation of parental rights in cases of violence against children (articles 83-94 of the Family Code).

*Recommendation n°37: Introduce awareness-raising programmes aimed at positive contributions of persons with disabilities together with further measures to enhance their participation in decision-making processes. (Recommended by Czech Republic)*

*IRI: partially implemented*

#### CIVICUS response:

The draft National Action Plan on Human Rights which the Uzbek government is currently discussing suggests measures on the rights of disabled people. Such measures mainly target establishment of conditions for independent life of disabled people (self-care in everyday life), rehabilitation of such persons and their reintegration back into the society. The Uzbek authorities are planning to develop and adopt a separate National Action Plan on implementation of the international Convention on the rights of disabled people.

*Recommendation n°40: Recommended the decriminalization of consensual same-sex activity between adults and the adoption of measures to promote tolerance in this regard. (Recommended by Czech Republic)*

*IRI: not implemented*

#### CIVICUS response:

The same-sex activity is not decriminalized yet.

Recommendation n°41: *Release political prisoners.* (Recommended by Czech Republic)

*IRI: not implemented*

CIVICUS response:

Up to 20 representatives of the Uzbek civil society and several thousands of religious prisoners are continuing serving prison terms.

Recommendation n°43: *Ensure punishment of persons responsible for serious violations of human rights.* (Recommended by Czech Republic)

*IRI: partially implemented*

CIVICUS response:

The practice shows that the Uzbek authorities has become cautious of openly committing serious human rights violations, especially those types of violations which concern fundamental civil rights, e.g. freedom from torture and similar ill-treatment. But at the same time the overall impunity for perpetrators from among the government officials remains high. The government tends to bring the perpetrators of human rights violations to justice only in those cases when there is no way to avoid the publicity about the committed human rights violation and / or the victim/s represent a solid proof. [...]

Recommendation n°44: *Extend invitations in particular to the Special Rapporteur on the question of torture.* (Recommended by Denmark)

*IRI: not implemented*

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Recommendation n°75: *Extend invitations in particular to the Special Rapporteur on the question of torture.* (Recommended by Japan)

*IRI: not implemented*

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Recommendation n°124: *Extend invitations in particular to the Special Rapporteur on the question of torture.* (Recommended by Switzerland)

*IRI: not implemented*

CIVICUS response:

No invitation is yet extended to the UN SR on the issue of torture.

Recommendation n°47: *Consider giving priority to the training of law enforcement officials regarding the treatment of detainees.* (Recommended by Denmark)

*IRI: not implemented*

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Recommendation n°51: *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. (Recommended by Egypt)*

*IRI: not implemented*

CIVICUS response:

Training, given by educational centers of law enforcement agencies in Uzbekistan [...] includes the study of international human rights standards but not specifically of the issue of torture or other cruel, inhuman or degrading treatment and punishment in the practice of law enforcement agents. [...] There is a strong need for further higher training of law enforcement professionals in international standards: currently, no effective institutional training is provided. The teachers do not have enough knowledge and skills in international human rights standards, and in particular, about the prohibition of torture. Between 2000 and 2005, with the support of international organizations [...] the Uzbek Government used to widely disseminate information and teaching materials on international human rights standards [...]. The situation has been far more different since the Andijan events [May 13-14, 2005] because many international organizations have been ruled out by the Uzbek Government while the mandate of the remaining ones has been markedly cut down.

*Recommendation n°49: 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. (Recommended by Egypt)*

*IRI: not implemented*

CIVICUS response:

The outcome of the UPR review of Uzbekistan hasn't been disseminated and made public in the country.

*Recommendation n°50: Adopt and strengthen existing measures to prevent and combat trafficking in women. (Recommended by Egypt)*

*IRI: partially implemented*

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*Recommendation n°80: Continue efforts to combat trafficking in women and children, by fully implementing the recently passed law of April 2008, on countering trafficking in persons. (Recommended by Malaysia)*

*IRI: partially implemented*

CIVICUS response:

According to the statistics by the International Organization for Migration the most common destinations of trafficking of Uzbeks are Russia, South Korea, Kazakhstan, Turkey and the United Arab Emirates. Frequently, the women victims are tricked by men who promise them a job in another country. Traffickers are usually operating with the consent of corrupted police officials in charge of controlling the entry and the

exit of people from the country, who turn a blind eye to the movement of these women across the border.

According to the survey of the “Izhtimoiy fikr” National Centre for Sociological Research, the main reasons why women leave Uzbekistan (whether by trafficking or as a result of labour migration) are poverty and economic hardship (52.0 % of the respondents) and unemployment (14% of the respondents). The respondents have also indicated reasons such as the perspective of earning more money and economic instability in Uzbekistan. These women can be divided in two types: women who know that they are taken abroad to work as prostitutes; and women who believe that they will get other employment (as waitress, nurse, baby-sitter, etc.) abroad and who are later victims of traffickers. However, there are no consistent statistics on this issue, the main obstacle being that many victims do not denounce the practice out of fear.

According to results of selective monitoring in eastern regions of Uzbekistan, every year between two and two thousand and five hundred women aged 18 to 32 years travel abroad to work as prostitutes. [...] They are sent to the Middle East countries, Turkey, Kazakhstan, and Russia. Although these girls or women leave their country to work in restaurants or hotels, once they have arrived they are deprived of their passports and forced into prostitution.

[...] The government of Uzbekistan has adopted a special Law "On combating human trafficking". Following the adoption of the law the government has also adopted a separate National Action Plan on combating human trafficking and established an Inter-Departmental Coordinating Body headed by the Prosecutor General's Office responsible for implementation of the National Action Plan. The government has also established a special Rehabilitation and Care Center for Victims of Human Trafficking. The Criminal Code was amended by a special article 135 (Human trafficking) and the punishment was raised. The number of criminal cases against organizers of human trafficking is increasing. But so far the government has been successful to work on the levels of public awareness raising about the problem and punishing the facts of human trafficking. The efforts of the government to address massive unemployment and small wages as one of the major reasons driving people to the hands of human traffickers have so far been ineffective.

Recommendation n°3: *Recommended that the Uzbek Government allow independent investigations of labour rights abuses.* (Recommended by Finland)

*IRI: not implemented*

#### CIVICUS response:

The Uzbek authorities have denied the ILO to carry out its own investigation of labour rights abuses in the country for the last several years. To our knowledge the ILO is still discussing this issue with the Uzbek side but the issue is pending. The government persecutes and punishes the local human rights activists who document and report labour rights abuses in cotton harvesting, including cases of forced child labour.

Recommendation n°54: *Consider establishing a national independent mechanism to monitor all places of detention* (Recommended by France)

*IRI: not implemented*

CIVICUS response:

The Uzbek authorities haven't ratified the OPCAT. There is no national independent mechanism for monitoring places of detention. Under the existing law the Uzbek Ombudsman is entitled to visit all places of detention without prior notice. The special Public Prosecutor's Office [...] has the same power. But in practice both institutions seem to be useless as they are not independent. NGOs, including human rights groups and international organizations (except the ICRC) are not allowed to visit and monitor detention places. The latest draft National Action Plan on Human Rights which the Uzbek authorities are now discussing stipulates the establishment joint monitoring missions of the Uzbek law enforcement agencies, the Ombudsman and local NGOs, including human rights activists who according to the plan would be entitled to visit and monitor situation in detention places. But this draft of the National Action Plan has yet to be approved.

Recommendation n°56: *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.* (Recommended by France)

*IRI: not implemented*

CIVICUS response:

The Uzbek authorities have failed to fulfil this recommendation. The restrictions on foreign and national media are still there. All foreign journalists have to undergo an accreditation process with the Uzbek Ministry of Foreign Affairs. Apart from according to regulations and practice a local journalist has also to be accredited with a government body in order to be able to cover its activities in his / her materials. Internet is restricted. Unwanted websites critical about the government of Uzbekistan are blocked. The government often charge the journalists working in Uzbekistan with libel cases. The latest examples of cases when the government ordered courts found the journalists guilty include the cases of Abdumalik Boboev, Vladimir Berezovski and Umida Akhmedova.

Recommendation n°57: *Implement effectively its commitments relating to freedom of religion as contained in the ICCPR, to which Uzbekistan is a party.* (Recommended by France)

*IRI: not implemented*

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Recommendation n°74: *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.* (Recommended by Italy)

*IRI: not implemented*CIVICUS response:

In our view, violation of the right to freedom of religion or belief in Uzbekistan represents one of the most serious escalations of human rights abuses and threatens Uzbekistan's future as a stable nation governed by the rule of law and democratic principles. [...] The government of Uzbekistan justifies its strong-hand tactics as necessary to fend off militant Islamists and religious extremists. It is not clear whether religious fundamentalism and in particular militant Islamism is a real threat to Uzbekistan or merely a political game or a scapegoat. Regardless of the legitimacy of the threat of religious fundamentalism the issue of the right to freedom of religion or belief remains essential to the future of Uzbekistan as a stable, constitutional state. [...]

[...] The government tries to supervise religious worship and belief, by overseeing the Islamic hierarchy, the content of imams' sermons, and the substance of their religious materials. [...] Uzbek law provides for criminal and administrative penalties against those involved in unregistered religious organizations, private religious education, and the possession and distribution of literature recognized as "extremist". Counter-terror laws are also actively applied in persecution of Muslims who fall beyond the government controlled Islam.

[...] government attempted to portray independent Muslims as "extremists" and the "nation's enemies". After September 11, such campaign against independent Muslims is justified as a part of the global campaign against terrorism. [...] authorities often violate their civil and political rights. Many of the criminal cases against independent Muslims are forged, torture and ill-treatment are widespread, there are usually no fair trials or independent judges, and court trials and decisions severely violate the Criminal Code and Procedure of Uzbekistan.

Currently, more than 7000 political prisoners are being held in colonies on the basis of their religious beliefs. [...]

Those gross violations can be divided into following types:

[...] Trumped up criminal cases: Uzbek law-enforcement agencies often use illegal tactics to detain independent Muslims. These include often complaints and claims of police planting illegal narcotics or bullets on defendants or in their homes;

Torture and ill-treatment: During investigation, the detained independent Muslims are very often subjected to torture or other forms of inhuman cruel treatment in order to force self-incriminating testimonies;

[...] Public bias through media propaganda: There is a practice of showing arrested and convicted independent Muslims on national TV channels and describing them as terrorists and state enemies, thereby turning public opinion against them; [...]

[...] The government policy on combating religious fundamentalism and extremism is built on the principle that if there is one religious extremist in the family, all remaining members of the family are then extremists too. There are many cases when the



Uzbek authorities have arrested and imprisoned for long years several members from the same family. [...]

The Uzbek authorities have always tried to control the growth and level of religiosity in the society. [...] The government controls the content of the religious sermons and religious literature. [...]

[...] Such policy on combating religious extremism and fundamentalism doesn't convince the society but scares and makes more sympathetic and closer to the extremist and fundamentalist groups. In the Muslim dominated societies such strategy proves to be not effective.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 jailing of religious believers, raids on religious communities, large fines for meeting for worship, torture and other forms of violence by officials and literature confiscations and destruction continue.

Recommendation n°58: *Take all necessary measures to prevent torture and other cruel, inhuman and degrading treatment or punishment in particular in places of detention.* (Recommended by France)

*IRI: not implemented*

CIVICUS response:

See response to recommendation n°24.

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The shadow report team found out that persons accused and convicted for anti-state crimes [usually, religiously or politically motivated crimes] were subject to particularly rude conditions of detention and to harsh treatments. [...] Their rights, such as the right to correspondence and written communication with home or the right to receive food and other necessary hygiene items from home, are widely restricted. [...]

The religious and political prisoners, unlike other types of inmates, are annually forced by the prison authorities to write official letters of apologies to the name of the Uzbek people and the head of state. [...]

Detainees' family is not immediately informed about the detention of their relatives. [...]

Discrimination against religious prisoners, in the enjoyment of their fundamental rights, by the prison administration is more than glaring. [...]

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 torture and other forms of violence by officials against eg. religious believers continue.

Recommendation n°1: *Take all necessary measures to prevent torture.*  
(Recommended by Germany)

*IRI: not implemented*

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Recommendation n°2: *Take all necessary measures to prevent torture in line with international law obligation and report about the results in the next UPR round and ensure that the absolute prohibition of torture is observed.* (Recommended by Netherlands)

*IRI: not implemented*

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Recommendation n°126: *Follow the recommendations made by the Committee Against Torture with a view to adopting all necessary measures to combat impunity.* (Recommended by Switzerland)

*IRI: not implemented*

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Recommendation n°138: *Take all necessary measures to prevent torture and ensure that the absolute prohibition of torture is observed as recommended.* (Recommended by United Kingdom)

*IRI: not implemented*

#### CIVICUS response:

See response to recommendation n°5

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The insignificant level of prosecution of torture perpetrators and resulting impunity effectively undermines the rights of victims for reparation, rehabilitation and adequate compensation. Civil law legislation provides for general provisions on obtaining compensation from the state when the harm sustained by individuals was caused by state agents. These provisions, however, do not apply to torture victims, as the civil courts will not hear the case without the results of the criminal trial. [...] The state also lacks any system of rehabilitation for the victims of torture. Rehabilitation centers in the administrative centers of each region and district provide assistance to former prisoners with employment, health and re-socialization issues, but do not address specifically the issue of post-torture rehabilitation. The insignificant level of prosecution of torture perpetrators and resulting impunity effectively undermines the rights of victims for reparation, rehabilitation and adequate compensation. Civil law legislation provides for general provisions on obtaining compensation from the state when the harm sustained by individuals was caused by state agents. These provisions, however, do not apply to torture victims, as the civil courts will not hear the case without the results of the criminal trial. Thus, the national legislation does not provide for effective civil compensation separate from the criminal prosecution. The state also lacks any system of rehabilitation for the victims of torture. Rehabilitation centers in the administrative centers of each region and district provide assistance to former prisoners with employment, health and re-socialization issues, but do not address specifically the issue of post-torture rehabilitation.

#### Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 torture and other forms of violence by officials against eg. religious believers continue.

Recommendation n°62: *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.* (Recommended by Germany)

*IRI: not implemented*

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Recommendation n°73: *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.* (Recommended by Italy)

*IRI: not implemented*

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Recommendation n°89: *Ensure regular inspection of harvesting practices to monitor and guarantee full compliance with international child labour standards.* (Recommended by Netherlands)

*IRI: not implemented*

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Recommendation n°104: *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.* (Recommended by Poland)

*IRI: not implemented*

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Recommendation n°109: *Promote legislation in conformity with UNICEF and ILO standards regarding the rights of the child.* (Recommended by Saudi Arabia)

*IRI: not implemented*

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Recommendation n°125: *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.* (Recommended by Switzerland)

*IRI: not implemented*

#### CIVICUS response:

Uzbekistan's legislation prohibits all forms of forced labour. [...] Uzbekistan is not a party to the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the core provisions of the Convention are observed in Uzbek territory. A ban has been imposed on forced and involuntary labour. [...]

However, this did not prevent the government to engage children and other groups of the population in forced labour during the recent years. [...] Uzbekistan retains forced child labour in different forms: child labour in picking the cotton harvest, child labour in the family household and involving children in cleaning of the local neighbourhood of an educational facility or a living place. [...]

Children forcedly involved in the cotton picking are not paid for their labour. [...] The working and living conditions of children involved in cotton picking and the way this

process is organized makes exploitation of the child labour in cotton picking equal to inhuman treatment. Each child is obliged to pick 50 kilos of cotton every day if it is the first harvest. For the second harvest, the daily obligation of cotton picking is 30 kilos. This is a very hard objective for a child to accomplish daily. Many children become sick due to the harsh conditions of work [...]. There is no system of regular medical checkup of the state of health of the children in the cotton fields. [...] Children use cold water to wash themselves and their clothes. In many places children do not have access to clean drinking water and use water from open channels. [...]

The Uzbek government usually argues that the children have volunteered for cotton picking because the cotton is a national wealth. The only way of exemption from being forcedly involved in the cotton picking is obtaining a written allowance of the district or city hospital's or doctors' council. People who do not want their children to go forcedly to the cotton fields often buy such written allowance of the doctors through bribing them.

Because of the conditions of the work in picking up the cotton by involving children and the way the work is organized by the Uzbek authorities we consider that the State of Uzbekistan has full responsibility regarding this practice which, according to the circumstances, could be qualified as cruel, inhuman or degrading treatment.

While the Uzbek government has taken legislative measures to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, it failed to take administrative, social and educational measures to ensure the implementation of the existing legal norms. Uzbekistan is responsible because its public administrations are involved in the cotton production.

Many regional administrations routinely use children to help meet central government-imposed quotas for annual cotton production. [...] Independent researches and inquiries by medical personnel shows that after the cotton harvest season, half of them are sick.

Recommendation n°63: *Improve the conditions of detention.* (Recommended by Hungary)

*IRI: not implemented*

CIVICUS response:

See response to recommendation n°58.

Recommendation n°64: *Adopt a law on equal rights and equal opportunities to protect the endangered elements of society, namely children, women and people with disabilities.* (Recommended by Hungary)

*IRI: partially implemented*

CIVICUS response:

In July 2011 the Uzbek government has approved a five-year National Action Plan on implementation of the latest recommendations and concluding observations of the

UN Committee on elimination of discrimination against women. Following this step the Uzbek authorities are now developing so called National Action Plan on Human Rights. One of the sections in the draft National Action Plan on Human Rights focuses on women's rights. This section in particular intends to adopt new Laws "On guarantees of equality of rights and equality of possibilities for men and women", "On prevention of domestic violence" and "On protection of reproductive rights of citizens and guarantees of their implementation". To what extent those two mentioned national actions problems and new legislative mechanisms would be effective and address this recommendation we will know from practice in the future.

The draft National Action Plan on Human Rights also suggests measures on the rights of disabled people. Such measures mainly target establishment of conditions for independent life of disabled people (self-care in everyday life), rehabilitation of such persons and their reintegration back into the society. The Uzbek authorities are planning to develop and adopt a separate National Action Plan on implementation of the international Convention on the rights of disabled people.

The Uzbek authorities also plan to adopt Laws "On Ombudsman on children's rights (Children's Ombudsman)", "On protection of children from information damaging their health and development" and "On environmental security of children". It is noteworthy that the authors of the draft National Action Plan suggest introducing the juvenile justice system – a separate judiciary system for minors in the country. But the document has no mention about continuing practice of forced child labor and ways of its combating within the draft National Action Plan.

**Recommendation n°65:** *Grant access to the announced visits of independent experts to places of detention.* (Recommended by Hungary)

*IRI: partially implemented*

CIVICUS response:

At present no such access is granted. But the draft National Action Plan on Human Rights which is now being discussed by the Uzbek government plans to allow access for independent experts and visitors from the NGO, human rights activists, international organizations, foreign diplomats and mass media representatives to places of detention.

**Recommendation n°66:** *Guarantee detainees their fundamental rights, especially the right of access to a lawyer.* (Recommended by Hungary)

*IRI: partially implemented*

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**Recommendation n°103:** *Ensure in practice better access of every detainee to lawyers, family members, medical treatment and other legal guarantees to ensure protection from torture.* (Recommended by Poland)

*IRI: partially implemented*

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Recommendation n°136: *Ensure in practice better access of every detainee to lawyers, family members.* (Recommended by United Kingdom)

*IRI: partially implemented*

CIVICUS response:

The laws guarantee the detainees and prisoners are entitled to unlimited access to a lawyer. Under the existing laws a defense attorney gets immediate and unlimited access to his / her clients held in detention places without any prior permit or authorization from an investigator, judge or administration of the detention place. The amendments to the Criminal Procedural Code from January 2009 have also granted a detainee the right to make a phone call to his / her defense attorney from the moment of arrest. However, in practice those rights don't work. The defense attorneys are forced to get a permit (in most cases in writing, in some cases in the form of an order on the phone) from an investigator or judge in order to visit their clients in detention places.

Recommendation n°68: *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.* (Recommended by Iran)

*IRI: -*

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Recommendation n°77: *Step up existing efforts to implement human rights education and training across all levels of society.* (Recommended by Malaysia)

*IRI: -*

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Recommendation n°94: *Continue to give priority to education programmes, therefore contributing to the strengthening of the democratization process.* (Recommended by Nicaragua)

*IRI: -*

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Recommendation n°140: *Continue efforts in the areas of human rights education and dissemination.* (Recommended by Viet Nam)

*IRI: -*

CIVICUS response:

The official reports mention that all secondary schools, colleges, institutes and universities have human rights classes as an integral part of their educational system. In practice it is indeed difficult to check if that statement is true, and if 'yes' to what extent the quality of such classes serve to develop and strengthen a culture of human rights and promote fundamental human rights and liberties.

Recommendation n°69: *Extend invitations the Special Rapporteur on human rights defenders.* (Recommended by Ireland)

*IRI: not implemented*

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Recommendation n°97: *Extend invitations the Special Rapporteur on human rights defenders.* (Recommended by Norway)

*IRI: not implemented*

CIVICUS response:

Invitation to the SR on human rights defenders is not extended.

Recommendation n°70: *Implement the recommendations made by the Committee Against Torture on human rights defenders.* (Recommended by Ireland)

*IRI: partially implemented*

CIVICUS response:

In November 2007 the UN CAT in its Concluding Observations on Uzbekistan (Paragraph # 14) made a recommendation on human rights defenders in Uzbekistan. [...] The State party should take all necessary measures to ensure that independent human rights monitors are protected from unjust imprisonment, intimidation or violence as a result of their peaceful human rights activities. The Committee urges the State party to release human rights defenders imprisoned and/or sentenced because of their peaceful professional activities and to facilitate the reopening and full functioning of independent national and international human rights organizations, including the possibility of conducting unannounced independent visits to places of detention and confinement. [...]

It should be mentioned that [...] nine political prisoners have been subjected to torture and other types of ill-treatment during pre-trial investigation on their criminal cases and even after being released to prisons for serving their prison terms. In 2009, 2010 and 2011 the Uzbek authorities have released on humanitarian basis three political prisoners who have been in a critical health condition – Sanjar Umarov, Habibulla Akpulatov and Yusuf Jumaev.

Recommendation n°71: *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.* (Recommended by Ireland)

*IRI: not implemented*

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Recommendation n°96: *Apply fairly and without discrimination all registration procedures and in conformity with international standards.* (Recommended by Norway)

*IRI: not implemented*

CIVICUS response:

In Uzbekistan the registration of civil society organizations is disproportionately more complicated than of any other civil entity such as business, banks or insurance companies. The legislative framework sets unjustifiably burdensome procedures for

NGO registration, gives wide discretionary powers to the executive and is open to abuse by the authorities. [...]

According to Section # 3 of the Rules, the Ministry of Justice is allowed 2 months to consider the application documents. It is entitled to send the application documents for comments and expert opinion to the corresponding state agency regulating affairs in that particular field of NGO operations. In case of human rights NGOs the documents are sent to the National Center for Human Rights of the Uzbek Government. Such state agencies can recommend the Ministry to approve or refuse the registration based on their expert opinion. Such expert opinions are considered classified information and cannot be challenged by the NGOs. Because of the time required to collect such expert opinions, the Ministry is allowed to extend the period of consideration for another month. Very often this lengthy period of 3 months is violated by the Ministry of Justice.

Section # 3 of the Rules sets the following three types of decisions to be taken by the Ministry of Justice upon consideration of application documents:

- register documents;
- refuse to register documents;
- or leave the application without consideration due to failure to meet the application requirements .

In practice the Ministry often resorts to the third type of decisions, leaving the NGO in the legal limbo. It often brings the argument that the statute does not comply with the requirements of Article 10 on Public Associations. Another common practice employed by the authorities is to contact the list of members and pressure them to withdraw their consent to forming the NGO. [...]

Some of the “mistakes” discovered by the Ministry in the application documents are on face value absurd. For example, in its official letter denying a registration of the human rights group “Mazlum” the Ministry of Justice wrote “...the group can’t put as its goal protection of human rights since Article 43 of the Constitution secures the State’s role in promotion and protection of the rights and freedoms of citizens...” Or in other occasions the Ministry’s letter said that the applicant could not choose combating torture as one of its objectives because the Uzbek legislation outlaws torture and hence, there is no torture in Uzbekistan.

*Recommendation n°72: 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 (Recommended by Ireland)*

*IRI: not implemented*

CIVICUS response:

Torture in Uzbekistan is systematic and widespread in all stages of the criminal proceedings including the execution of punishment. There is no possibility of suing the state for instance of torture! Illegal evidences are often given the legal force before the court and used for proving basis of indictment. [...] The only two

institutions (procurator's office and Ombudsman) able to review places of detention fail to seriously address torture because they lack functional independence from the criminal justice system. Uzbek legal system does not afford significant protection against torture. [...] Pursuant to the recommendation of the UN Special Rapporteur, the Uzbek highest authorities failed to condemn torture in all its forms and unambiguously declare that they won't tolerate torture and similar ill-treatment by public officials and that those in command at the time abuses are perpetrated will be held personally responsible for the abuses. Such condemnations and declarations were not made public through the national mass media.

The Uzbek Government argues that as recommended by Mr. Van Boven, torture in all its forms has been publicly condemned by representatives of all three branches of power in Uzbekistan. [...] All of the occasions of discussions and so called "public condemnations" of all forms of torture to which the Uzbek Government is referring took place in closed door meetings which were not made public.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 torture and other forms of violence by officials against eg. religious believers continue.

Recommendation n°76: *Consider extending an open standing invitation to special procedures mechanisms.* (Recommended by Latvia)

IRI: not implemented

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Recommendation n°81: *Extend invitations to the thematic special procedures particularly to those that have requested to visit the country as well as the Working Group on Arbitrary Detention.* (Recommended by Mexico)

IRI: not implemented

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Recommendation n°84: *Consider extending an open standing invitation to special procedures mechanisms.* (Recommended by Mexico)

IRI: not implemented

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Recommendation n°107: *Extend invitations to the thematic special procedures particularly to those that have requested to visit the country.* (Recommended by Republic of Korea)

IRI: not implemented

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Recommendation n°110: *Extend invitations to the thematic special procedures particularly to those that have requested to visit the country.* (Recommended by Slovakia)

IRI: not implemented

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Recommendation n°113: *Extend invitations to the thematic special procedures particularly to those that have requested to visit the country.* (Recommended by Slovenia)

IRI: not implemented

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Recommendation n°128: *Consider extending an open standing invitation to special procedures mechanisms.* (Recommended by Switzerland)

IRI: not implemented

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Recommendation n°131: *Extend invitations to the thematic special procedures.* (Recommended by Ukraine)

IRI: not implemented

CIVICUS response:

During the reporting period the Uzbek government has extended no invitation for the thematic special procedures of the UN Human Rights Council.

Recommendation n°83: *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.* (Recommended by Mexico)

IRI: not implemented

CIVICUS response:

There is a legitimate threat of terrorism for Uzbekistan. For the last decade several cities around the country have faced terrorist attacks with considerable number of victims and death of civilians and government law enforcement agents. The policy of the Uzbek authorities on combating such terrorist attacks and possible threats lacks transparency; not made public; is based on use of brutal and arbitrary force which involves arbitrary killings and execution, massive arrests, trumped up charges on terrorism with no fair trial guarantee, illegal and lengthy imprisonment, etc.

Recommendation n°87: *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.* (Recommended by Mexico)

IRI:-

CIVICUS response:

[..] The Uzbek authorities are used to impose state of emergency after each terrorist attack which might remain in force for many years without any valid cause until finally the authorities drop it. Such state of emergency usually implies serious restrictions to a variety of fundamental civil rights and liberties: freedom of movement; freedom of assembly and association; the right to fair trial and freedom from torture - for those suspected, accused and convicted under the charges of terrorist attacks. The Uzbek government also regularly introduces state of emergency before important national holidays - e.g. the Day of National Independence on August 31-September 1. Such state of emergency have similar implications on fundamental civil rights and liberties.

Recommendation n°88: *Continue to work closely with civil society to fight the propagation of HIV-AIDS, without which the 6th objective of the MDGs will be difficult to achieve.* (Recommended by Morocco)

IRI: not implemented

CIVICUS response:

The issue of HIV-AIDS is considered to be a taboo issue in Uzbekistan as the government is very much concerned this problem and its scales will become a public knowledge. There is a special National HIV-AIDS Center under the Uzbek Ministry of Health with branches in all provinces. But the statistics on HIV-AIDS is considered to be confidential. [...] But beginning 2009 the Uzbek government started persecuting such NGOs accusing them of involvement in anti-social behaviour and pornography. Several such NGOs and international programs were closed. In 2009 the Uzbek authorities imprisoned Mr Maksim Popov - head of "IZIS" NGO for 7.5 years having found him guilty of spreading pornography and involvement in anti-social behaviour. He was released in June 2011 under conditional sentence.

Recommendation n°90: *Ensure that everyone including human rights defenders can peacefully exercise their right to freedom of expression in conformity with obligations under the ICCPR.* (Recommended by Netherlands)

*IRI: not implemented*

CIVICUS response:

The Uzbek government has so far failed providing enough guarantees and taking effective measures to prevent harassment and intimidation of activists, including journalists and rights defenders who exercise the right to freedom of opinion and expression. The government of Uzbekistan still continues applying tough restrictions on the activities of the civil society and prevent the local human rights, independent journalists and defense attorneys from their activities. Range of restrictions applied by the Uzbek government include illegal detentions, trumped up criminal charges and imprisonment, stopping and closure of the NGO groups, denying exit visa, persecuting relatives and family members, etc. Up to 20 Uzbek civil society activists still remain in prisons serving their prison terms.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 people exercising right to free expression on eg. religious matters still seriously harassed and persecuted.

Recommendation n°91: *Fully respect the freedom of religion or belief as also expressed in the recommendations of the Human Rights Committee.* (Recommended by Netherlands)

*IRI: not implemented*

CIVICUS response:

See response to recommendation n°57.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 jailing of religious believers, raids on religious communities, large fines for meeting for worship, torture

and other forms of violence by official and literature confiscations and destruction continue.

Recommendation n°93: *Investigate all reports of assaults on and harassment of human rights defenders and bring to justice those responsible.* (Recommended by Netherlands)

*IRI: not implemented*

CIVICUS response:

The Uzbek authorities have so far failed to investigate all reports of assaults on and harassments of human rights activists and bring to justice those responsible. During the reporting period the following Uzbek human rights activists faced new assaults and attacks: Elena Urlaeva, Abdullo Tojiboy ogli, Dmitri Tikhonov, Vasila Inoyatova and the central office of "Ezgulik" Human Rights Society of Uzbekistan. In all cases the victims submitted appeals to the local police and other law enforcement bodies. The investigations were opened but they have never reached any meaningful result in finding the perpetrators. This might indicate that the Uzbek authorities might stand almost behind each attack and assault.

Recommendation n°95: *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.* (Recommended by Nigeria)

*IRI: not implemented*

CIVICUS response:

A genuine juvenile justice system as prescribed by international relevant standards does not exist in Uzbekistan. [...] There are no specific courts with the jurisdiction to judge criminal cases involving minors. [...] Moreover, there are no special departments of investigation and cases involving children are dealt with by the general jurisdiction.

The government is working with the UNICEF on the draft law on juvenile justice. While finalizing the drafting of the present report in October 2007, this law is not still passed in Uzbekistan. Besides that, the UNICEF has proposed to the Uzbek government creating a specialized court for juvenile justice in Uzbekistan but the Uzbek government did not respond to this proposal yet. [...]

[...] Minors are detained on the same grounds as adults. A juvenile can be deprived of his/her liberty before the trial and after the conviction to a detention sentence [...]

[...] deprivation of liberty can happen before or after the conviction. Before the conviction, children can be sent into investigation solitary confinement cells that are on police premises. [...]

Until today it has been difficult [...] to accurately assess the situation in juvenile detention centres and colonies. Foreign delegations have not been granted access to these institutions [...]. This has created a strong impression that conditions of



detention are not in accordance with international standards. This is reinforced by the existence of cases of unregistered detentions.

In police premises, the cells are overcrowded, have insufficient lighting, no ventilation, and no heating. Children are frequently abused.

[...] Cases of arbitrary arrest and detention without grounds are regularly reported. Motivation for arrest and detention is often lacking. Moreover, infringements of the terms of custody, fabrication of false guilt evidences incidences of bribery, falsification of charges, harassment of the offender's family and torture at the arrest and interrogation phases are also common.

In addition, it is not rare that some basic guarantees are infringed during the different stages of the proceedings. Regarding the right to a legal assistance, a legal counsel can be provided in case the juvenile cannot afford one. However, in practice, lawyers are reluctant to defend children because the State only remunerates them with 600 sums (approx. 0,5 USD) for protecting children. In addition, lawyers are often informed last-minute of the details of the case. It exists also doubt as to whether the right to the presence of a psychologist, pedagogue is ever applied. The principle of presumption of innocence is also often violated. Indeed, children and their representatives carry the burden of proving lies with the accusation.

[...] Despite article 67 of the Family Code that allows a child of 14 years old and up to file a complaint against his/her parents/guardians, if the later do not respect his/her child rights, it is very rare that children report being abused. Many children are unaware of their rights and their possible protection which thus remains pure theory. Moreover, there is no information about appropriate contacts in case of abuse, and abuse "help-lines" do not exist within the country.

Support and reinsertion of victims are also very poor: sexually abused girls are often sent to detention centres in order to cover up the family abuser instead of being protected. State agencies dealing with children prefer not to interfere in family matters and seldom resort to deprivation of parental rights in cases of violence against children (articles 83-94 of the Family Code).

Recommendation n°98: *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.* (Recommended by Norway)

*IRI: not implemented*

CIVICUS response:

See response to recommendation n°93

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The government of Uzbekistan still continues applying tough restrictions on the activities of the civil society and prevent the local human rights, independent journalists and defense attorneys from their activities. Range of restrictions applied by the Uzbek government include illegal detentions, trumped up criminal charges and imprisonment, stopping and closure of the NGO groups, denying exit visa,

persecuting relatives and family members, etc. Up to 20 Uzbek civil society activists still remain in prisons serving their prison terms.

Recommendation n°100: *Strengthen inter-ministerial coordination in law enforcement activities of agencies and implementation of measures to protect human rights and fundamental freedoms.* (Recommended by Philippines)

*IRI: partially implemented*

CIVICUS response:

There are different inter-ministerial coordination bodies on different human rights related issues, e.g. Inter-ministerial Coordination Body on combating human trafficking or Inter-Departmental Working Group on prevention of torture and implementation of the UN Convention Against Torture. Establishment of such inter-departmental coordination bodies in fact has turned into one of the most popular mechanisms along with adoption of National Action Plans on different human rights related problems. The authorities look at such mechanisms as a panacea but in reality those mechanisms lack transparency, their plans on existing human rights issues target mostly educational and propaganda activities rather than taking direct actions on the problems.

Recommendation n°101: *Continue to dedicate resources to promote the right to education and the rights of children.* (Recommended by Philippines)

*IRI: partially implemented*

CIVICUS response:

According to official statistics Uzbekistan has one of the highest literacy rates in the world - 99.7 %. This figure seems to be close to the truth. The elementary and secondary education in the country is compulsory and free. After finishing secondary school children can attend either academic lyceums or colleges if they pass entrance exams. If they want to continue their education they can take exams for institutes and universities. However, the official statistics do not take into account legal, economic and financial reasons which make some part of the youth leave educational system and choose to work from the early years to earn additional income for their families. Attendance at lyceums and colleges are low and often falsified because of the same reason. Some families, especially in rural areas can't just send their children to educational facilities because they don't have enough resources to provide for their daily allowances, including the clothes, food, travel expenses, textbooks, and in some cases tuition fees. Annual practice of forced child labor also causes dropping of most rural youth out of the educational system for up to two months each fall.

Recommendation n°102: *Improve the conditions of detention.* (Recommended by Poland)

*IRI: not implemented*

CIVICUS response:

Despite the reported improvements, there are numerous reports of abuses in custody, and many deaths, some of which are alleged to have followed torture or ill-

treatment. Furthermore, only some of these have been followed by independent autopsies, and such investigations have not become a regular practice. [...] Religious or political prisoners, who are serving prison terms in the same prison facilities than other types of inmates, do not enjoy the same range of rights. [...]

Detainees' family is not immediately informed about the detention of their relatives. [...] In breach of the Uzbek Criminal Procedural Code, investigators, prosecutors and judges do not ask detainees, suspects or accused about how he/she was treated during pre-trial detention. Detainee cannot have a prompt and immediate access to a legal counsel and to close relatives within 24 hours after the arrest. [...]

This statement must be disallowed. The model agreement has never been made public or otherwise disseminated among the stakeholders. No system allows to representatives of the civil society an access to penitentiary facilities. The penitentiary system in Uzbekistan remains a closed system. [...] Having access to detention places, such as police lock-ups, pre-trial detention centers, National Security Service detention facilities, detention units of medical and psychiatric institutions and clinics, has become even more difficult since the Andijan events, in May 2005. The ICRC was denied access to prisons and other detention places in June 2005. [...]

According to the Law "On Ombudsman", the Ombudsman's office visits all detention places [...] The Ombudsman is empowered with the authority to inspect, as he wants to, as necessary and without notice, any place of detention. The Ombudsman's institution in Uzbekistan is fully dependent from the executive branch and its visits to detention places may not shed any light on the situation. Reports of the Ombudsman's office [...] are not made public. It is one of the reasons why it is so complicated to follow up the recommendations of the Ombudsman's [...]

Recommendation n°114: *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.* (Recommended by Slovenia)

*IRI: not implemented*

CIVICUS response:

Conscientious objection to military service is not stipulated as a special legal provision allowing persons refuse military service.

Conscience and Peace Tax International (CPTI) response:

This recommendation was one of those regarding which Uzbekistan had rather strangely indicated that it would "study the conformity (...) with the national legislation of Uzbekistan and (...) provide its answer in due time."

In its response, delivered to the Human Rights Council in March 2009, Uzbekistan merely quoted stipulations of the Military Service Law which directly contradicted the first aspect of the recommendation and did not address the other two:

"According to the article 22, paragraph 1, page 1 of the Law "On general military duty and military service" recruits are released from military duty and military service in a mobilization invocatory reserve during the peacetime:

- (a) If recognized unfit for military service due to health problems;
- (b) If one of near relatives (brother, sister) has died during the military service;
- (c) If he/she has a holy order in one of the registered religious organizations.

According to the article 37, paragraph 2 of above-mentioned Law, citizens at the age from 18 to 27, listed in military registry and subject to draft, have the right to choose alternative service if they are members of registered religious organizations and there [sic] dogma prohibits the use of weapons and service in the army."

The response must therefore be interpreted as an implicit rejection of the recommendation on the grounds that it did not reflect existing practice.

Rather more detail was given in Uzbekistan's Third Periodic Report under the International Covenant on Civil and Political Rights: [...]"Alternative service may be substituted for military service as a means of fulfilling the military obligation; it involves the performance of unskilled (accessory) work in various branches of the economy or in the provision of social services, as well as work of clearing up after accidents, disasters, natural calamities and other emergencies. [...]"

One piece of information which is not given in this account is that the duration of alternative service is exactly twice that of the military service which would be required of the individual concerned. [...]"

[...] these details simply confirmed that the current arrangements are not at all in conformity with international standards, [...]"

The information was volunteered that persons performing alternative service are called for military training, during which they acquire a military specialization unrelated to the use of weapons, and take the military oath. This is not consistent with the recommendation of the former Commission on Human Rights of the United Nations that States "provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature" (operative paragraph 4 of Resolution 1998/77). It is also not in conformity with Article 18 of the Covenant. [...]"

The [Human Rights Committee]'s concluding observations reiterated concerns about Uzbekistan's provisions for conscientious objectors

"The Committee is concerned that, at present, only members of a limited number of registered religious groups can apply for an alternative to military service. In this context, the Committee is concerned that the low number of conscientious objectors (seven) that performed alternative service in 2003-2007 may reflect a fear of adverse consequences for those who might take advantage of the existing provisions for alternative service. Furthermore, the Committee is concerned that the State party's regulations on alternative service do not apply to individuals who refuse to perform military service on ethical grounds. Finally, it is concerned about the lack of detailed

information on how the system works in practice and, in particular, at the reports that decisions whether to allow an individual to carry out a substitution service are taken by a military body. (art. 18) [...]

CPTI has no information to indicate that any action has been taken as a result of the UPR Recommendation or the subsequent comments of the Human Rights Committee.

Recommendation n°116: *Establish a national human rights institution.* (Recommended by South Africa)

*IRI: not implemented*

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Recommendation n°135: *Establish a national human rights institution in compliance with the Paris Principles.* (Recommended by United Kingdom)

*IRI: not implemented*

CIVICUS response:

There are two national human rights institutions: the National Human Rights Center and Ombudsman. Studies show that their activities are not in compliance with the Paris Principles lack of independence and real power to carry out their own independent investigation of human rights violations being biggest obstacles on the way of their effectiveness.

Recommendation n°117: *Extend invitations in particular to the Special Rapporteur on the question of torture and the Special Rapporteur on freedom of opinion and expression.* (Recommended by Spain)

*IRI: not implemented*

CIVICUS response:

During the reporting period the Uzbek government has extended no invitation to the thematic special procedures of the UN Human Rights Council.

Recommendation n°118: *Liberalize the work of mass media, and draw a clear distinction between the legitimate fight against terrorism and strict respect for freedom of religion.* (Recommended by Spain)

*IRI: not implemented*

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Recommendation n°122: *Take appropriate legislative and policy measures in order to guarantee full respect of human rights, including in the fight against terrorism.* (Recommended by Sweden)

*IRI: not implemented*

CIVICUS response:

There is a legitimate threat of terrorism for Uzbekistan. [...] At the same time being a traditional society ruled by traditions and public morale the Uzbek society tends to

isolate the family members of a religious prisoner and avoid contact with them. [...] The family members of religious prisoners are kept under constant surveillance of the local police [...] The Uzbek authorities have always tried to control the growth and level of religiosity in the society. [...] The government controls the content of the religious sermons and religious literature.

The religious or belief communities clearly understand the essence of such government policy and accept that as a humiliation though they are reluctant to express publicly their dissent. The task of maintaining the secular character of the state has been transformed in Uzbekistan into forced secularization of the public consciousness. Despite its contradiction to the existing national laws and international standards the Uzbek government keep on going accomplishing this task. Thus, in the public consciousness of the majority in Uzbekistan the state policy and Islamic values are opposing to each other.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 use of mass media to incite intolerance of people exercising the right to freedom of religion and belief, and encourage views of this as threat, continues.

Recommendation n°119: *Eliminate restrictions on the activities of human rights NGOs.* (Recommended by Spain)

*IRI: not implemented*

CIVICUS response:

No change or development noted in the situation so far. The government of Uzbekistan still continues applying tough restrictions on the activities of the civil society and prevent the local human rights, independent journalists and defense attorneys from their activities. Range of restrictions applied by the Uzbek government include illegal detentions, trumped up criminal charges and imprisonment, stopping and closure of the NGO groups, denying exit visa, persecuting relatives and family members, etc.

Recommendation n°120: *Recommended the liberation of all human rights defenders who remain in prison about the situation of Solijon Abdurakhmanov and Agzam Turgunov.* (Recommended by Spain)

*IRI: not implemented*

CIVICUS response:

Solijon Abdurakhmanov and Agzam Turgunov still remain in prison.

Recommendation n°121: *Take all necessary measures to prevent torture and other cruel, inhuman and degrading treatment or punishment, in particular in places of detention.* (Recommended by Sweden)

*IRI: not implemented*



CIVICUS response:

There are numerous, ongoing and consistent allegations concerning routine use of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement and investigative personnel or with their instigation or consent, often to extract confessions or information to be used in criminal proceedings. Independent observers report credible data that such acts commonly occur before formal charges are made, and during pre-trial detention, when the detainee is deprived of fundamental safeguards, in particular access to legal counsel. This situation is exacerbated by the reported use of internal regulations which in practice permit procedures contrary to published laws. The Uzbek government has so far failed to conduct prompt and impartial investigations into such allegations of breaches of the Convention Against Torture. There are many allegations that persons held as witnesses are also subjected to intimidation and coercive interrogation and in some cases reprisals. The government has also failed to apply a zero-tolerance approach to the continuing problem of torture, and to the practice of impunity by publicly and unambiguously condemning practices of torture in all its forms, directing this in particular to police and prison staff, accompanied by a clear warning that any person committing such acts, or otherwise complicit or participating in torture be held personally responsible before the law for such acts and subject to criminal penalties.

Forum 18 response:

No evidence of any willingness to end violations, eg. in 2011 torture and other forms of violence by officials against eg. religious believers continue.

Recommendation n°127: *Strengthen its collaboration with national and international civil society actors, notably by giving general accreditation to the major international human rights organizations.* (Recommended by Switzerland)

*IRI: not implemented*

CIVICUS response:

No change in the situation after the Uzbek government kicked out most international human rights organizations after 2005 Andijon events.

Recommendation n°129: *Recommended making a humanitarian gesture by liberating prisoners for political and religious offenses who are in serious health condition.* (Recommended by Switzerland)

*IRI: not implemented*

CIVICUS response:

Up to 20 representatives of the Uzbek civil society and several thousands of religious prisoners remain in prison. Health of most of them is in critical condition.

Recommendation n°134: *Establish independent mechanisms for complaints and for monitoring conditions in places of detention.* (Recommended by United Kingdom)

*IRI: not implemented*

CIVICUS response:

See response to recommendation n°102

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The draft National Action Plan on Human Rights which the Uzbek authorities are currently discussing stipulates the necessity to create joint prison monitoring missions of the law-enforcement agencies with the NGOs, including international ones and human rights groups.

Recommendation n°137: *Introduce a simpler registration process for religious organizations than currently exists.* (Recommended by United Kingdom)

*IRI: partially implemented*

CIVICUS response:

The Uzbek government have amended the existing registration procedures for religious organizations and decreased the number of minimum necessary members of a religious organization in order to be registered. Previously it was not less than 100 members, now it could be less.

Forum 18 response:

No evidence of any willingness to end severe restrictions on registration of eg. religious groups, nor to allow people to meet without registration.

Recommendation n°139: *Consider ratifying OP-CAT and take the necessary measures at the national level in order to do so.* (Recommended by United Kingdom)

*IRI: not implemented*

CIVICUS response:

OPCAT is not ratified. No independent national mechanism is created.

## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

### A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.

## B. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index** (IRI) is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

| Percentage: | Implementation level: |
|-------------|-----------------------|
| 0 – 0.32    | Not implemented       |
| 0.33 – 0.65 | Partially implemented |
| 0.66 – 1    | Fully implemented     |

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### Contact

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