

UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

UNIVERSAL PERIODIC REVIEW, 3RD SESSION
UZBEKISTAN (ADOPTION OF REPORT PENDING)
REVIEWED ON 11 DECEMBER 2008, MORNING

Overview

The delegation of Uzbekistan was led by the Chairman of the National Centre for Human Rights, Dr Akmal Saidov. There was a high level of interest in the review of Uzbekistan, with session running slightly over the scheduled three hours. The delegation responded directly to some of the questions posed, but mainly focused on describing the reform of the legal system. In responding to the questions, the State reiterated the progressive nature of the implementation of human rights and highlighted its legal reforms and intentions with regard to human rights. Representatives from different ministries responded to the questions posed.

General information on Uzbekistan

- Uzbekistan is not a member of the Human Rights Council.
- The members of the troika for the examination of Uzbekistan were Egypt, Indonesia, and Nicaragua.¹
- The national working group preparing the report included 32 Government bodies and non-governmental organisations (NGOs) represented by the National Association of NGOs of Uzbekistan. According to the State report Uzbekistan held a national consultation with NGOs and the media in August 2008.

Information submitted to the Working Group

The **national report** of Uzbekistan² covers the period from 1991, when it became a sovereign State. It focuses on the formation of a parliamentary system, and the creation of a new legal framework and an independent legal system. Promoting and supporting civil and political participation through relevant laws and awareness programmes is also emphasised. The main challenges the State lists are the implementation of the new legal system and the need to improve governance and legal education. It also recognises that threats to national security have posed a large hindrance in the realisation of human rights.

¹ Uzbekistan requested that a member of its regional group be among the troika. There were no objections by Uzbekistan or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at www.ishr.ch.

² A/HRC/WG.6/3/UZB/1, available at www.ohchr.org/EN/HRBodies/UPR/PAGES/UZSession3.aspx

The OHCHR **compilation of UN information**³ focuses on: reports of torture or inhumane treatment and arbitrary detentions; impunity and the general administration of justice; gender-based discrimination and the lack of a general anti-discrimination law; and the treatment of refugees and internally displaced persons (IDPs).

25 other stakeholders submitted information for the OHCHR **summary of stakeholders' information**.⁴ It focuses on the dysfunction of the rule of law, including widespread torture, arbitrary detention, impunity,⁵ and the strong stereotyping of gender roles and discrimination against women.⁶ The criminalisation of male homosexuality⁷ and the suppression of the freedom of expression, including religious freedom,⁸ are also criticised.

Interactive dialogue⁹

Presentation by the State

Mr Akmal Saidov gave a well-organised introductory statement highlighting the Government's efforts to create national legislation which covers all human rights, as well as institutions to implement and protect human rights. He also gave an update on the legislative reform and other efforts to bring domestic law in line with international standards, including the abolition of the death penalty, adoption of law to combat trafficking, and ratification of International Labour Organization (ILO) *Convention 138* and *Convention 182* concerning child labour. The State also recognised that it faces difficulties related to the transitional process and in creating an independent democratic State. It referred to the many problems faced by the different State bodies in adopting and implementing legal provisions.

Themes and issues

The discussion on Uzbekistan focused mainly on arbitrary detention, torture, and the suppression of fundamental freedoms. Many States also commended the State for adopting legislative reforms in the past years, especially the introduction of *habeas corpus* and abolition of the death penalty.¹⁰

The majority of States expressed their grave concern about reports of **arbitrary detention and torture**,¹¹ and other cruel and inhuman treatment in detention centres committed by police officers. Uzbekistan was urged to criminalise torture in its Penal Code, not accept confessions acquired by torture in courts, and fight impunity by making sure that allegations of torture are properly investigated. It was also encouraged to strengthen its cooperation with humanitarian organisations such as the International Committee of the Red Cross by allowing them access to detention centres and prisons.¹² In reply, the delegation stressed that the Government is cooperating with the relevant United Nations (UN) bodies on this issue. The State recognised, nevertheless, that some bodies of the State have been using 'intimidations rather than promoting the interests of the citizens'. In light of this, the State is strengthening its efforts related to human rights education and

³ A/HRC/WG.6/3/UZB/2, available at www.ohchr.org/EN/HRBodies/UPR/PAGES/UZSession3.aspx

⁴ A/HRC/WG.6/3/UZB/3, available at www.ohchr.org/EN/HRBodies/UPR/PAGES/UZSession3.aspx

⁵ Veritas Youth Human Rights Movement.

⁶ LGBT Organization Labrys and the Sexual Rights Initiative.

⁷ LGBT Organization Labrys and the Sexual Rights Initiative.

⁸ Institute on Religion and Public Policy.

⁹ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

¹⁰ Italy, Denmark, Germany, United Kingdom, Slovakia, Ireland, Philippines, Brazil, Norway, Republic of Korea.

¹¹ Czech Republic, Sweden, Switzerland, Poland, Canada, Mexico, United Kingdom, Spain, Japan, Germany, Denmark, Austria, Netherlands, Chile, France.

¹² Poland, Slovakia, Canada.

general compliance with international norms with regard to detention. It moreover assured that a system is in place to ensure investigations of accusations of torture by State officials.

A large number of States¹³ were also extremely concerned about the violation of **freedom of expression and assembly** in Uzbekistan. The situation of journalists, human rights defenders, NGO workers, and religious communities was of particular concern. Journalists and human rights defenders are allegedly subjected to intimidation and arbitrary detention. Many States also urged Uzbekistan to amend its anti-terrorism legislation, which is reportedly used to harass NGOs and religious communities. In general, States recommended that Uzbekistan reform its legislation and simplify the registration procedure for NGOs and religious communities to comply with international standards and ensure freedom of religion and assembly. The delegation answered by stressing that the Government supports and protects NGOs, and recognises the important work they carry out. The Ministry of Justice registers and accepts any national or international NGO 'whose aims are not in contradiction to the Constitution'. The delegation also stressed that the Government is actively working to implement freedom of religion.

Many States pointed to Uzbekistan's refusal to extend an invitation to UN Special Procedure mandate-holders who have requested to visit the country, in particular the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Accordingly, they recommended that Uzbekistan extend an open invitation to **visits from all UN Special Procedures**, in particular with respect to torture and arbitrary detention.¹⁴

States also touched on the problem of the extensive use of **child labour**,¹⁵ notably in cotton production. Children are reportedly being threatened into leaving school to work, and many States recommended that Uzbekistan create a children's ombudsman institution and take measures to implement legislation prohibiting child labour. The delegation gave an unsatisfactory reply, assuring that the proper legislation is in place. It furthermore commented that cotton production is done by private companies, who are disadvantaged by unfair subsidies of cotton production in other countries.

Adoption of the report

The Working Group is expected to adopt its draft report on Uzbekistan on 15 December 2008.

¹³ Czech Republic, Malaysia, Sweden, Canada, Hungary, Ireland, Spain, Mexico, United Kingdom, Japan, Belgium, Austria, Chile, Italy, France, Netherlands, Netherlands.

¹⁴ Mexico, Denmark, Hungary, Switzerland, Spain, Ukraine, Latvia, Slovenia.

¹⁵ Switzerland, Poland, Canada, Ukraine, Slovakia, Japan, Germany, Finland, Bahrain, Italy, Netherlands, France, Russian Federation.

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