

NGOs welcome the UN Human Rights Committee's concluding observations on Uzbekistan and ask for their full and prompt implementation

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The NGOs "*Human Rights First*", "*Initiative-taking Youth Group (Orzu)*", "*International League for Human Rights (ILHR)*", "*International Research Centre on Social Minorities (IRCSM)*", "*Legal Aid Society (LAS)*", "*Memorial Human Rights Center*", "*Women's Resource Centre (WRC)*", and the "*World Organisation Against Torture*" (OMCT) submitted alternative reports on the human rights situation in Uzbekistan, for the 83rd session of the Human Rights Committee (HRC) from March 14th to April 1st 2005 in New York. During this session, the HRC considered Uzbekistan's second periodic report on the implementation of the rights contained in the International covenant on civil and political rights (ICCPR).

A briefing session, prior to the official session, between these NGOs and the independent experts of the HRC was organised on March 21st, during which they presented their alternative reports as well as their main subjects of concern on the violations of the right to life, prohibition of torture, judicial guarantees, places of detention, independence and impartiality of the judiciary, impunity, human rights violations committed against members of sexual minorities and the situation of women and children.

The coalition of NGOs welcomes the adoption of the concluding observations and the recommendations made by the Human Rights Committee to the Uzbek authorities, as well as critical questions raised by the Committee during the examination of the report and notes that they reflect many of the human rights concerns expressed by the NGOs.

The coalition welcomes the appeal made by the HRC with regards to the obligation to the Uzbek authorities to comply with the interim measures requested by the HRC in the individual complaints procedure. This had not been the case in the situation of several prisoners recently executed under death penalty sentence although complaints had been filed by them to the HRC and interim measures requested by the Committee. Moreover the HRC recommended that the Uzbekistan should "*provide information on the number of prisoners sentenced to death and executed*", as well as "*inform the relatives of the execution, immediately issue a death certificate and reveal the burial place of the executed persons*".

The coalition strongly supports the HRC's recommendations on the amendment of the provisions of the Criminal Code on the prohibition of torture in order to fully comply with the definition of Article 1 of the Convention against Torture. The Committee also requested that the Uzbek authorities ensure that "*complaints of torture and/or ill-treatment are examined promptly and independently*", that "*those responsible are prosecuted and punished in accordance with the seriousness of the crimes committed*" and that "*all places of detention are subject to regular independent inspection*". Furthermore, "*the medical examination of detainees, in particular persons held in pre-trial detention*" and "*the use of audio and video equipment in police stations and detention facilities should be ensured*".

Concerning judicial guarantees, the HRC considers that the length of custody for which a suspect may be held without being brought before a judge or an officer authorised to exercise judicial power (72 hours) is excessive and urges the Uzbek authorities to ensure that "*the legality of detention is promptly reviewed by a judge*", and that "*those accused of criminal acts receive effective assistance from a lawyer at every stage of the proceedings, especially in cases where the person may incur the death penalty*".

The coalition also notes the HRC's recommendation to adopt "*the necessary norms to prohibit the extradition, expulsion, deportation or forcible return of aliens to a country where they would be at risk to torture or ill-treatment without the right to file appeals, with*

suspensive effects”, and “to establish a mechanism that would allow such claims to be made”.

The Committee expressed its concern about the repression of homosexuality. Furthermore it stated that the criminalisation of same-sex relationships in Uzbekistan constituted a clear violation of the ICCPR. The NGOs would welcome the Uzbek government to head the Committee’s request providing the number of people convicted under article 120 of the Uzbek criminal code.

The Committee furthermore urged the Uzbek government to abolish the requirement of an exit visa for its nationals, noting in particular the effect on human rights defenders and on persons convicted under provisions penalising homosexuality.

Additionally the NGOs welcome the HRC’s recommendations to review the provisions of the Constitution and relevant laws to explicitly specify the derogations from the rights protected by the Covenant that may be made in emergencies and with regards to terrorism, to define the notion of “terrorist acts” and ensure that its legislation in this matter complies with all the guarantees provided in the ICCPR.

Finally, the HRC expresses its concern with the situation of women and children. With regard to women, the HRC recommended that the Uzbek authorities take “*measures to combat domestic violence, including through public awareness and education campaigns*” and “*ensure that the relevant provisions of the Criminal Code are fully implemented so as to put an end to the practices of polygamy and forced marriages of kidnapped women*”. Concerning children, the “*practice of sending school children to pick cotton*” should be stopped and “*effective measures to combat child labour*” should be adopted.

It is now time to for the Uzbek authorities to fully implement the recommendations adopted by the HRC in order to comply with the provisions of the ICCPR. This is even more urgent as the violations of human rights deeply undermine the rule of law in Uzbekistan. NGOs will closely monitor the implementation of the HRC's recommendations, as well as those adopted by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in 2002.

Background information

All States parties to the International covenant on civil and political rights (ICCPR) are obliged to submit regular reports to the Human Rights Committee (HRC) on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

The Human Rights Committee is the body of [independent experts](#) that monitors implementation of the [International Covenant on Civil and Political Rights](#) by its State parties. The Committee meets in Geneva or New York and normally holds three [sessions](#) per year.

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