



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

2 November 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Uzbekistan and welcome the constructive engagement of your Government during the 30th session of the UPR Working Group in May 2018.

As the final outcome report on the review of the Republic of Uzbekistan has been recently adopted by the Human Rights Council at its 39th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Uzbekistan – the Compilation of UN information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and recommendations made by 77 delegations, the presentation and responses made by the delegation of Uzbekistan and the actions taken by the Government to implement the 145 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I would like to highlight issues that were raised during the review of the Republic of Uzbekistan and which I am particularly encouraged by: 1) the adoption of a national plan of action (2014 – 2016) for the implementation of recommendations from the Human Rights Council and the human rights treaty bodies, as well as the President's Action Strategy (2017 – 2021) in which all categories of human rights figure prominently; and 2) first ever visit by the High Commissioner for Human Rights, my predecessor, Zeid Ra'ad Al Hussein, to the country in May 2017, which culminated in the agreement for OHCHR Regional Office for Central Asia to cover Uzbekistan henceforth. I also welcome the adoption of the "Roadmap" aimed at implementing the recommendations made by the Special Rapporteur on the freedom of religion or belief after his visit in September 2017. I have also noted with optimism the decision of the Ombudsperson Institution to undergo a capacity assessment that was completed on 5 October. I understand that the Government plans to allocate additional human resources to the Ombudsperson Institution in order to strengthen its Secretariat and I would also encourage allocating additional funding to institutionalise regional presences of the National Human Rights Institution.

I hail Uzbekistan's steps towards reinforcement of the Ombudsperson's authority to monitor places of detention that should contribute towards prevention and eradication of ill-treatment and torture. I have also learnt about legislative plans to adopt a Law on a National Preventive Mechanism (NPM). Prior to the Parliamentary vote, I would urge the Parliament of Uzbekistan to organize an open and inclusive public event that would allow experts community to provide its comments with the view to ensuring that the Law fully complies with applicable international standards. I am confident that only through an open and consultative process the best NPM model can be designed. I trust that the creation of the NPM would lead to the next logical step – which is the ratification of the OP-CAT.

H.E. Mr. Abdulaziz KAMILOV
Minister of Foreign Affairs
Republic of Uzbekistan

./..

I also note ongoing legislative work on the Law on Political Parties, Electoral Code, the Law on Freedom of Religion and Belief, the Law on Combating Domestic Violence, the Law on the Bar Association and foreseen comprehensive reform of the criminal justice and judicial systems. These important initiatives, if accompanied by inclusive public consultations and carried out in a non-rushed manner, should allow for elaboration of laws that take into account experts' recommendations. The democratic process of law-making is as important as the final adoption of any law. Thus, in order to ensure compliance of new legislation with human rights commitments of Uzbekistan, I would recommend to carry out comprehensive and effective public consultations.

I encourage Uzbekistan to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate the preparations of Uzbekistan for the fourth cycle of the UPR. The development of such a plan should include consultations with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator.

I encourage Uzbekistan to continue its efforts to strengthen the National Human Rights Center for comprehensive reporting and follow up in relation to international and regional human rights recommendations and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Uzbekistan to submit a mid-term report on the follow-up of the third cycle of the review, by 2020.

As the Secretary-General stated in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Uzbekistan to take action in the areas I have identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Dr. Akmal SAIDOV
Chairman of the Committee of the Legislative Chamber of Oliy Majlis (Parliament) on Democratic Institutions, NGOs and Citizens' self-government bodies of Uzbekistan / Director of the National Human Rights Center

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the core international human rights treaties, including the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Rome Statute of the International Criminal Court, ILO Convention no. 189 concerning Domestic Workers, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 and 1961 statelessness conventions, and the Convention against Discrimination in Education.
- Acceptance of the individual communications* procedures under art. 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and art. 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Issuance of a standing invitation to the Special Procedures of the Human Rights Council.

National Human Rights Framework

- Strengthening of the national human rights institution – the Office of the Human Rights Commissioner (Ombudsman) - in line with the Paris Principles.
- Further enhancement of the work of the National Centre for Human Rights to ensure its effective functioning as the national mechanism for comprehensive reporting and follow up.
- Establishment of a national independent mechanism to monitor places of detention, in line with the OP-CAT requirements and SPT recommendations.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Enactment of a comprehensive anti-discrimination legislation, which prohibits discrimination on all grounds, including colour, language, political or other opinion, descent, national, ethnic or social origin, property, disability, sexual orientation and gender identity or other status.
- Combating discrimination and violence against persons based on their sexual orientation or gender identity. Repealing article 120 of the Criminal Code and decriminalizing consensual sexual activities between male adults.

Human rights and counter terrorism

- Revision of the counter-terrorism legislation and ensuring that the law does not contradict the international obligations of Uzbekistan.

B. Civil and political rights

Right to life, liberty and security of person

- Revision of the current definition of torture to ensure its full compliance with the Convention against Torture. In particular, article 235 has to cover not only acts by law enforcement officials but also those by other persons acting in an official capacity. Conducting prompt, impartial and effective investigations into allegations of torture and prosecution of those responsible.
- Ending immediately the arbitrary practice of extending jail terms of human rights defenders and critics of the Government. Release of all prisoners of conscience and establishment of a mechanism for redress and compensation to them.
- Ensuring that all arrests and detentions are carried out in compliance with the international human rights standards guaranteeing the liberty and security of the person.

Administration of justice, including impunity, and the rule of law

- Strengthening of the independence and impartiality of the judiciary, including through securing tenure of judges.
- Guaranteeing the free exercise of the legal profession by making the Chamber of Lawyers independent from the Ministry of Justice and removing the requirement for lawyers to renew their licence every three years.
- Provision of redress and guaranteeing the right to fair and adequate compensation, including full rehabilitation, to victims of torture. Taking measures to reintegrate former prisoners of conscience and reinstate their rights.
- Conducting a full, independent and effective investigation into the Andijan events of 2005.
- Adoption of the anti-corruption law and investigation of corruption cases.

Fundamental freedoms

- Guaranteeing freedom of religion and belief and bringing its legislation into conformity with article 18 of the International Covenant on Civil and Political Rights, including through the decriminalization of proselytism and other missionary activities.
- Investigation of the reported unlawful arrest, detention, torture and conviction on religious extremism-related charges.
- Decriminalization of defamation and alignment of the provisions on limitations on freedom of expression in line with international standards for necessity and proportionality.
- Halting harassment, surveillance, arbitrary arrest and detention, torture and prosecutions on trumped-up charges by law enforcement officials of independent journalists, government critics and dissidents, and human rights defenders, in retaliation for their work.

- Revision of the Non-governmental Organization Act, including its provisions on registration requirements, so as to ensure that civil society organizations can work freely without restrictions and hindrance.
- Revision of the exit visa system and the compulsory address/residence registration system (propiska) so as not to prevent freedom of movement of human rights defenders, journalists or members of the political oppositions.

Prohibition of all forms of slavery

- Continuing to take effective measures to curb forced labour of children above the age of 16 years and adults in the cotton and silk sectors, and tackling alleged widespread corruption and extortion in these sectors.

C. Economic, social and cultural rights

Right to work

- Taking measures to reduce underemployment among nomadic people, high unemployment among women, and widespread employment in the informal sector.

Right to social security

- Strengthening of the social protection system to ensure that it effectively tackles poverty and vulnerability of the population.
- Ensuring the coverage of workers in the informal sector under the labour and social security schemes.

Right to an adequate standard of living

- Continuation of the efforts to ensure the right to an adequate standard of living for all, including the most vulnerable and marginalized in the society, and addressing poverty and malnutrition, especially in rural areas.
- Taking appropriate measures to address and resolve land deprivation of farmers and land tenure for them.
- Provision of adequate housing to low-income families, and disadvantaged and marginalized individuals and groups.
- Provision of adequate sanitation and safe drinking water especially to the population in the regions affected by the drought and natural catastrophe.

Right to health

- Further strengthening of the public health system and provision of free, quality and basic healthcare services to all, including through addressing the prevalence of informal fees for medical consultations and treatment, shortages of medicines and equipment, absence of national health insurance, as well as low number of hospitals and personnel in rural areas.

Right to education

- Continuing efforts to ensure the right to education of all children without discrimination, by providing them with free compulsory primary education and addressing the disparity in gender as well as between urban and rural areas.

D. Rights of specific persons or groups

Women

- Adoption of a law on equal rights and opportunities for men and women, which should be in line with the Convention on the Elimination of All Forms of Discrimination against Women, and of a comprehensive national action plan to promote gender equality.
- Taking comprehensive measures to prevent and address violence against women and girls, including domestic violence. Adoption of a law criminalizing domestic violence and marital rape.
- Abolition of the harmful traditional practices such as forced and early marriage, bride abductions, especially in rural areas, and polygamy.
- Further encouragement of the participation of women in public and political life.
- Guaranteeing, to men and women, equal pay for work of equal value and closing the gender pay gap.
- Addressing the disadvantaged status of women in rural areas, including their poverty and limited ownership and use of land.
- Ensuring women's free, prior and informed consent to sterilization, enhancing access to family planning services and investigation of allegations of their forced sterilization.
- Adoption of the equal minimum age of marriage for both boys (18 years) and girls (currently 17 years). Ensuring also that women exercise their rights to an equal share in marital property.

Children

- Explicitly prohibiting corporal punishment by law.
- Establishment of a separate juvenile justice system, including through the provision of adequate specialized training for judges on child rights.
- Ensuring registration of children immediately after birth and making the issuance of birth certificates free of charge.

Persons with disabilities

- Combating social prejudice and stigma against persons with disabilities, including children with disabilities.
- Increase in the employment rate among persons with disabilities and removal of physical barriers obstructing their access to the social services and labour market.

- Provision of inclusive education to children with disabilities and improvement of their access to mainstream schools and health-care services.

Minorities

- Adoption of legislation protecting the rights of ethnic minorities, including their political participation, promotion of their languages, and maintenance of their culture, livelihoods and traditions.

Refugees and asylum seekers

- Adoption of a national law on refugee status determination for asylum seekers. Taking measures for local integration of refugees, including the provision of residency permits and adequate access to employment, health care and education.

Stateless persons

- Addressing statelessness, including through the amendment of the Citizenship Law and the expediting of the naturalization process. Granting citizenship when a person does not have any other nationality.