



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture Sixty-eighth session

### Summary record of the 1786th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 November 2019, at 10 a.m.

*Chair:* Mr. Modvig

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\* Reissued for technical reasons on 2 December 2019.

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*The meeting was called to order at 10 a.m.*

### **Consideration of reports submitted by States parties under article 19 of the Convention**

*Fifth periodic report of Uzbekistan (CAT/C/UZB/5, CAT/C/UZB/Q/5 and CAT/C/UZB/Q/5/Add.1)*

1. *At the invitation of the Chair, the delegation of Uzbekistan took places at the Committee table.*
2. **Mr. Saidov** (Uzbekistan) said that over 30 State agencies and over 20 non-governmental organizations (NGOs) had contributed to the preparation of his country's fifth periodic report and that its content had been discussed in both chambers of parliament. In the six years since consideration of the fourth periodic report, his Government had taken a number of steps to enhance implementation of the Convention in Uzbekistan, adopting a national plan of action for the implementation of the Committee's recommendations for the first time and creating various institutional bodies to oversee efforts in specific areas. As a result, around 90 per cent of the recommendations made six years ago had been fulfilled.
3. Legislative and judicial reform had been a particular focus of attention, with considerable efforts having been made to bring article 235 of the Criminal Code into line with the Convention. That task had not been an easy one, and various specialists, including experts from the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, had been consulted. Although the article was still not completely aligned with the Convention, significant progress had been made.
4. Other legislative advances made in fulfilment of recommendations made by the Committee had included the adoption of new legislation on parliamentary oversight, forced and child labour, gender parity and domestic violence. Additional steps had been taken to implement the Bangalore Principles of Judicial Conduct and special attention was currently being given to the introduction of an e-justice system that would allow legal advice and consultations to be provided online. Furthermore, Uzbekistan had recently welcomed the Special Rapporteur on the independence of judges and lawyers and expected to welcome the Special Rapporteur on torture in the not too distant future. It would continue to give close consideration to the reports and recommendations of all special mandate holders.
5. Progress had also been made towards giving the Ombudsman greater powers to protect human rights, including by monitoring places of detention. The law governing the operation of the Ombudsman's Office had undergone significant amendments to that end and the Office had now assumed the role of national mechanism for the prevention of torture. Monitoring by non-State bodies was also permitted, with NGOs – of which there were now over 9,000 in Uzbekistan – and international human rights organizations such as Human Rights Watch and Penal Reform International being able to visit prisons and submit recommendations to the authorities. It was envisaged that civil society would assume an increasingly important role in torture prevention.
6. Human rights education for law enforcement officers and other public officials had been another focus of action. A system of ongoing education was under development, parliament had adopted a national plan of action to implement the United Nations Declaration on Human Rights Education and Training, and both the Ministry of the Interior and the Office of the Procurator-General now had their own training academies offering courses that encompassed the provisions of the Convention and other international norms.
7. Despite the commitment demonstrated by the above activities, the Government was aware that problems and gaps remained. For example, Uzbekistan had still to develop a comprehensive system for training public servants in human rights issues and raising their awareness of the country's obligations under international human rights treaties, although the National Human Rights Centre would begin organizing courses to fill that lacuna in 2020. Uzbekistan had also not yet created a special mechanism for implementing the decisions of treaty bodies on individual complaints; it had yet to reach a decision on whether to recognize the Committee's competence to consider individual complaints under

the Convention; it was still not regular practice to invoke human rights treaties in Uzbek courts; and judges still needed more extensive training in how to apply such treaties. However, Uzbekistan was committed to addressing those shortcomings and meeting all its obligations under the Convention, and it looked forward to an open and constructive dialogue to that end.

8. **Ms. Gaer** (Country Rapporteur), recalling that in its previous concluding observations (CAT/C/UZB/CO/4, para. 4) the Committee had expressed grave concern about ongoing and consistent allegations of torture being routinely used by law enforcement, investigative and prison officials, said that she was encouraged by the fundamental changes in the human rights situation apparent since the last review and the support for change demonstrated by the new President, who had on several occasions openly stated that torture would not be tolerated. However, despite the evidence of a renewed intent to comply fully with the Convention and a heightened commitment to investigating and prosecuting officers responsible for or complicit in acts of torture, the Committee continued to receive numerous allegations of torture and ill-treatment by agents of the State and a failure to address such allegations in a manner consistent with the Convention.

9. She was concerned that the State party had yet to provide any data on the implementation of the legislative and institutional reforms described and their results: for example, it had been unable to provide data on cases in which courts had deemed evidence inadmissible on the grounds that it had been obtained through torture – as requested in the list of issues (CAT/C/UZB/Q/5, para. 2 (b)) – because its courts apparently kept no record of such information. She wished to know what was being done to change that situation and when the State party would start tracking cases in which torture allegations had been raised and evidence had subsequently been declared inadmissible. The delegation should also explain why the judgments issued in the few cases in which article 235 of the Criminal Code had been invoked were not being made publicly available.

10. The State party had, on the other hand, provided data on the number of complaints of torture recorded in recent years, and the data attested to a near tenfold increase in complaints in 2018. Assuming the increase reflected greater access to reporting mechanisms, specifically, the help desks and online consultation mechanisms described, a greater readiness to report incidents and a greater confidence in the authorities' response, that was a positive development. Nonetheless, she was bemused by the comments made in paragraph 152 of the report, where, in highlighting the success of its online mechanisms, the State party appeared to downplay the significance of the very large number of complaints received.

11. It was disappointing that the number of investigations remained very low and the number of prosecutions had actually decreased substantially in 2018 and 2019 despite the tenfold increase in the number of complaints made. The prosecution rate was currently even lower than it had been in 2013. She invited the delegation to comment on that decline, and to provide additional information on the prison sentences received by those convicted and on any fines, earnings deductions and other non-custodial penalties imposed.

12. She would also like to hear the delegation's comments on the dramatic increase in the number of acquittals recorded in 2017, when 191 individuals had been acquitted, compared with just 7 in the previous five years combined, and what that increase said about legal practice and procedure. Although the increase might be an indicator of greater judicial independence, it could not be used to make the case that the courts had begun to systematically exclude evidence obtained through torture. Similar explanations regarding the large number of discontinued preliminary investigations reported in 2017 would be appreciated, as well as details of any plans for further structural changes to reduce incentives for the authorities to resort to torture. She also urged the delegation to provide the information about reforms of the National Security Service requested in paragraph 2 (d) of the list of issues.

13. She suggested that the State party should consider establishing a special unit within the Office of the Procurator-General to investigate complaints of wrongdoing by law enforcement officers and reviewing the system for awarding promotions so that

investigators did not feel compelled to secure a “quick” confession in order to enhance their career prospects. It should also consider making a full and immediate investigation obligatory in all torture cases so as to eliminate any possibility of a case being dropped because pre-investigation inquiries failed to uncover convincing evidence. She wondered, in that connection, whether the Government was already working to implement the recommendations made by the Special Rapporteur on the independence of judges and lawyers.

14. It was surprising, given the overall increase in the number of complaints made, that, according to the replies to the list of issues (CAT/C/UZB/Q/5/Add.1, paras. 30–35), no cases of sexual violence against persons deprived of their liberty had been reported to the Ombudsman and no cases of violence against persons in detention facilities had been identified since 2013. In the light of media coverage of contemporary cases of violent conduct that contradicted those statements, including the case of a police officer sentenced to 6 years’ imprisonment after having been videoed forcing a woman to strip naked during an interrogation, she felt that a more expansive answer to the questions raised in paragraph 4 of the list of issues was needed. The State party’s lack of data on such cases was also in stark contrast to reports from NGOs – including reports of threats of rape – that indicated that violent conduct was widespread, and was targeted at Muslim prisoners in particular. She would appreciate the delegation’s comments on those disparities.

15. She wished to know whether any investigations had been conducted into the allegations made by Zulhumor Hamdamova, Gulnaza Yuldasheva and Mutabar Tajebaeva that were referred to in paragraph 12 of the Committee’s concluding observations on the fourth periodic report of Uzbekistan. More broadly, she would be interested to learn whether the Government was taking steps to strengthen access to confidential and effective complaints mechanisms for all persons deprived of their liberty. In particular, she wished to know whether the Government was considering establishing victim and witness protection measures that would allow persons alleging torture to be promptly removed from custodial situations in which they were at risk of further harm.

16. In reference to paragraph 12 (c) of the list of issues and paragraphs 118 to 121 of the replies thereto, she asked whether the 11 individuals prosecuted in connection with the death of Ilhom Ibodov had all been convicted of violating article 235 of the Criminal Code and of torturing Rahim Ibodov, whether Rahim Ibodov had obtained redress for torture and why the criminal proceedings in the case had been closed to the public. She was asking those questions out of concern that cases in which the State party’s authorities had held public officials accountable for torture were limited in number and scope.

17. Noting that the Committee had received no response to paragraph 12 (d) of the list of issues, she asked what steps the State party was taking to review the cases of the thousands of persons who remained imprisoned on what were said to be politically motivated charges, such as engaging in peaceful religious activities, and to investigate cases of alleged torture and ill-treatment of persons held in detention, including the allegations regarding Ruhiddin Fahriddinov, Akrom Malikov, Rustam Abdumannopov and Sobir Hamidkariyev. She would also appreciate a response to paragraph 12 (e), in the form of either statistics or, failing that, an indication of whether there was any oversight of officials tasked with handling complaints of torture or ill-treatment.

18. She was concerned about the response of the State party’s authorities to high-profile claims of torture and ill-treatment. She wished to know whether allegations of torture against Kadyr Yusupov had been investigated, and, if so, by whom, and whether the allegations had been taken into account during Mr. Yusupov’s trial for treason. In its reply to a letter sent by the Special Rapporteur on torture and the Special Rapporteur on the right to health, the Government had dismissed the allegations as false, but she would be grateful for additional information, including on whether there had been an impartial investigation into the allegations and on why Mr. Yusupov’s trial had been closed to the public. She was also concerned about allegations that former Procurator-General Rashitzhon Kadyrov had been subjected to torture and ill-treatment while detained on charges of fraud, bribery and embezzlement. According to reports received by the Committee, several of Mr. Kadyrov’s 12 co-defendants had claimed in court to have been tortured in detention, and 7 witnesses had alleged that they had been subjected to psychological and physical pressure. In April

2019, the judge in the case had ruled that all the defendants should undergo a medical examination to ascertain whether or not they had been tortured. Within a matter of weeks, the Office of the Procurator-General had announced that examinations had been carried out and had not revealed any evidence of bodily harm. She wished to know whether the results of the examinations had been made available to the defendants or their lawyers, under whose authority the doctors who had performed the examinations operated, what measures the State party had taken to ensure the independence of medical examiners and their capacity to identify signs of torture, and whether examiners were trained to carry out investigations in accordance with the Istanbul Protocol.

19. Drawing attention to paragraph 8 of the Committee's concluding observations on the fourth periodic report of Uzbekistan, she noted that paragraph 15 of the replies to the list of issues brought the positive news that 18 human rights defenders had been released from detention. However, she was concerned that the replies appeared to indicate that none of those individuals had been exonerated of the charges on which they had been imprisoned and that, because their allegations of harassment, arbitrary detention and torture and other ill-treatment had been considered unsubstantiated, they had received no compensation. In reference to paragraph 17 of the list of issues, she requested data on any cases in which former political prisoners had been exonerated or received redress.

20. She asked whether there were any plans for the visit of the Special Rapporteur on torture, which was long overdue, given that the last such visit had taken place in 2002. Noting the establishment of road maps for the implementation of recommendations issued by the Special Rapporteur on the right to health, the United Nations High Commissioner for Human Rights and the universal periodic review mechanism, she expressed the hope that the Committee's concluding observations would be incorporated into a national plan of action.

21. Referring to paragraphs 18 to 24 of the replies to the list of issues, she asked who had conducted the forensic medical examination to verify Bobomurod Abdullaev's claims of physical and mental pressure and torture, who had assessed the results and whether the examination had been carried out in line with the Istanbul Protocol. Noting that Mr. Abdullaev's allegations related to a period shortly after his detention in September 2017, but that the examination had not taken place until May 2018, she said that she would be glad of clarification as to whether a full investigation had been launched into the allegations, or whether the examination had been the only step taken in consequence. A proper response to the requests for information in paragraph 3 (d) (ii), (iii) and (iv) of the list of issues would also be appreciated. With specific reference to paragraph 3 (d) (iv), she noted reports that Elena Urlaeva had been detained in March 2017, the day before a scheduled meeting with representatives of the International Labour Organization and the World Bank Group. Noting also that, since 2015, the Government had been sent seven individual communications regarding Ms. Urlaeva by a group of special procedure mandate holders, she asked how the State party could reconcile its ostensibly dismissive treatment of Ms. Urlaeva's allegations of ill-treatment and arbitrary detention with its acknowledgement, in paragraph 155 of the replies to the list of issues, of her status as a human rights activist with whom its representatives met regularly.

22. She wished to know whether an investigation had been carried out into the allegation that blogger Nafosat Olloshukurova had been involuntarily committed to a psychiatric facility since September 2019 in retaliation for having published footage of police officers using force against peaceful protesters in the region of Khorezm, whether the State party was taking steps to review its laws governing compulsory medical treatment and whether it had introduced safeguards to prevent their misuse by the authorities. Information on any investigations into reports that Said Abdulaziz Yusupov had been arrested and detained in May, and subsequently tortured repeatedly in an attempt to extract a confession, would also be welcome.

23. She invited the delegation to reply to the questions raised in paragraph 3 (b) of the list of issues and to indicate whether the State party intended to reassess the findings of the audit mentioned therein in the light of fresh allegations of harassment and intimidation of journalists, media professionals and others. In the preliminary observations of the Special Rapporteur on the independence of judges and lawyers on his official visit to Uzbekistan

from 19 to 25 September 2019, the Special Rapporteur stated that some of the human rights defenders and lawyers with whom he had met had been subjected to intimidation prior to or following those meetings. She wished to know whether the Government had responded to the Special Rapporteur's call to carry out an investigation into those acts of reprisal.

24. She had been concerned to hear reports that Akzam Turgunov, Azam Formonov and Dilmurod Saidov – three previously incarcerated human rights defenders mentioned by the Committee in paragraph 8 of its concluding observations on the fourth periodic report of Uzbekistan – had been denied a request to register a non-governmental organization and had been subjected, along with their families, to verbal and physical intimidation by police officers. She asked what the State party was doing to respond to those allegations and to curb the threatening behaviour of the authorities towards human rights defenders who attempted to obtain redress for victims of torture. She also asked whether the Government was considering measures to bring the framework within which human rights defenders were able to operate further into conformity with its obligations under the Convention, for example by relaxing requirements for the registration of NGOs and allowing such organizations to carry out programmes and apply for and receive funding without advance permission. More generally, she would be grateful for information on how the State party intended to facilitate the work of human rights defenders in future.

25. In reference to paragraphs 96 and 99 of the replies to the list of issues, she asked for clarification of whether colony No. 19 in the town of Jasliq would be closed down or whether it would continue to serve as an official detention facility under the authority of the Qoraqalpog'iston Ministry of Internal Affairs. She would welcome an update on the status of the 395 persons held at the colony on the date of issuance of the replies, an indication of whether they would be transferred to other prison facilities and an explanation of whether the needs and place of residence of their families would be taken into account when deciding which facilities to use. She asked what steps the State party was taking to address allegations of abuse at colony No. 19, whether the Government would allow independent actors from Uzbekistan and abroad – including perhaps the Special Rapporteur on torture – to carry out investigations, and what the Government was doing to improve the treatment of persons deprived of their liberty throughout the country.

26. Referring to paragraph 102 of the replies, she asked why the State party had declined to provide data on the total capacity and level of occupancy of all detention facilities, particularly given that it had done so for colony No. 19, which suggested that such information was not, in fact, confidential. Detailed responses to paragraph 11 (c), (d) and (f) of the list of issues would be appreciated, as would further information on the case, mentioned in paragraph 100 of the replies, involving three officials prosecuted under article 235 of the Criminal Code.

27. She wished to know what measures were being taken to ensure that all persons deprived of their liberty had access to adequate health care, that such care was provided under the direction of the Ministry of Health rather than the Ministry of Internal Affairs and that prisoners were not subjected to torture or ill-treatment in the shape of forced labour. In that connection, she asked whether an investigation had been launched into allegations of forced labour in a brick factory at colony No. 64/4 and whether the Government was contemplating measures to address long-standing concerns about torture and ill-treatment in places of detention.

28. Despite the positive measures and developments outlined in paragraphs 146 to 165 of the replies to the list of issues, according to the International Labour Organization, about 170,000 adults had been forced to work during the 2018 cotton harvest. Moreover, the Committee continued to receive reports of State-organized forced labour in the cotton industry in 2019. Consequently, she would be pleased to receive information on what was being done to eliminate all forms of forced labour, on whether the Government intended to cease the practice of imposing cotton production quotas and on whether any public officials had ever been held criminally responsible for forced labour in the cotton sector. If they had, she would welcome information on recent cases. The delegation should also indicate whether the State party's authorities had investigated reports that the administrators of colony No. 42 continued to subject prisoners, including women who had recently undergone surgery, to forced labour during the cotton harvest.

29. In reference to paragraph 13 of the list of issues, she asked whether the State party had any plans to conduct an independent investigation into the events in Andijan in 2005 in order to establish the facts and provide redress to the victims and ensure accountability for the perpetrators.

30. Noting that the Committee had received allegations that lesbian, gay, bisexual and transgender persons had been subjected to torture and other violence in detention, that the police actively persecuted such persons, including through entrapment and extortion, that such persons lived in constant fear because of attacks and harassment against them by private individuals and that law enforcement officials had routinely failed to investigate such acts or provide protection, she asked whether the State party would consider adopting hate crime legislation to ensure that such persons were protected from violence and abuse, whether it was prepared to accept any of the recommendations in paragraph 102 of the report of the Working Group on the Universal Periodic Review (A/HRC/39/7) and, specifically, whether it would repeal article 120 of the Criminal Code, which criminalized consensual sexual activities between adult males.

31. **Mr. Rodríguez-Pinzón** (Country Rapporteur) said that, despite the entry into force of Act No. ZRU-470 of 4 April 2018, article 235 of the Criminal Code had still not been completely harmonized with article 1 of the Convention. For example, the former prohibited acts involving “discrimination on the basis of nationality, race, religion or social status as aggravating circumstances”, whereas the latter established that the term “torture” meant any act by which severe pain or suffering, whether physical or mental, was intentionally inflicted on a person “for any reason based on discrimination of any kind”. Moreover, the former covered acts committed against “suspects, defendants, witnesses, victims or other persons involved in criminal proceedings or their immediate family members”, whereas the latter contained far broader references to “a person” and “a third person”. With that in mind, he would be grateful to receive information on any further initiatives to bring article 235 of the Criminal Code fully into line with article 1 of the Convention.

32. The State party had provided conflicting information regarding the applicability of the legislation governing amnesties to persons convicted of acts of torture. He would appreciate clarification of whether the Government had recently changed its position with regard to the planned legislative reform in that area. In that connection, it would be useful to learn whether any persons convicted of acts of torture or ill-treatment under article 235 of the Criminal Code had been pardoned. Furthermore, it was unclear whether the statute of limitations applied to the offences defined in article 235.

33. He wished to reiterate the Committee’s request for information on any cases since 2013 in which a court decision had made explicit reference to the definition of torture contained in article 1 of the Convention. It would be helpful to know if the legislative amendments reducing the maximum permitted duration of police custody from 72 to 48 hours also made provision for such custody to be extended more than once.

34. The Committee was concerned that there appeared to be a pattern of failings in the upholding of fundamental legal safeguards in the State party. In addition to the dozens of cases that had been brought to the attention of the Human Rights Committee, the Committee against Torture itself had also been made aware of the cases of Sirozhiddin Bakhadirov, whose allegations of torture had been dismissed by the courts, and Kadyr Yusupov, who had reportedly been denied access to his family and his lawyer for five months.

35. In the light of reports that lawyers were regularly denied the opportunity to speak to their clients in private and were sometimes threatened with violence by prison officers, the Committee would welcome details of the measures being taken by the State party to ensure that the regulations, including the amendments of 12 May 2018, governing the right of detainees to have access to a lawyer of their own choosing were being implemented in practice. It would also appreciate an update on the status of the bill on free legal aid.

36. The Committee was concerned at reports that doctors were sometimes pressured not to record information indicating that detainees had been subjected to torture. In that connection, it would be grateful for details of the legislation governing the right of

detainees to have access to a free and confidential medical examination by an independent doctor. It would also welcome data on the number of doctors and other medical personnel providing care for persons deprived of their liberty and on the related budget allocations.

37. He wished to receive an account of the legislative framework governing the right of persons deprived of their liberty to be informed of their rights and of the grounds for their detention, including the protocols and instructions provided to officials responsible for safeguarding those rights. He would appreciate statistics on the number of officials who had been prosecuted since 2014 for failing to uphold fundamental legal safeguards designed to prevent torture, as well as on the penalties that had been imposed in connection with those cases. He would also welcome information on whether any amendments had been made to the Code of Criminal Procedure to allow judges to assess the legality of detention and ensure that habeas corpus hearings were held in public with defence lawyers present.

38. The Committee was concerned at the alleged lack of independence of lawyers and the judiciary. It had been informed that despite legislative reforms designed to strengthen the independence of the Chamber of Advocates, the President of the Chamber continued to be appointed by the Minister of Justice. He would be interested to hear about the measures the State party was planning to adopt to enhance the independence of the Chamber. In the light of the relatively low number of lawyers practising in the State party, it would be helpful to learn how the authorities intended to increase the coverage of legal services. He would also welcome an account of the steps being taken to address alleged interference by the executive branch in the judicial branch, particularly in connection with the appointment of the members of the Supreme Judicial Council. He would also like to hear the delegation's comments on the concerns expressed by the Special Rapporteur on the independence of judges and lawyers, following his visit to the State party in September 2019, with regard to the dominant role of the Office of the Procurator-General in criminal proceedings.

39. He would appreciate an update on when the State party planned to ratify the Optional Protocol to the Convention against Torture.

40. According to information received by the Committee, the Ombudsman was ineffective and lacked independence; it would be useful to know what additional measures would be taken to improve the Ombudsman's performance. The number of complaints of torture and ill-treatment submitted to the Ombudsman by persons in detention appeared to have risen significantly between 2013 and 2018; he would welcome statistics, disaggregated by year, sex and age, on the number of such complaints received by both the Ombudsman and the special staff inspection units during the reporting period.

41. While the Committee welcomed the legislative amendments of 14 March 2019 that had paved the way for the Ombudsman to visit places of detention, it remained concerned that the delay in issuing the relevant regulatory provisions meant that the 15 civil society experts due to participate in the visits mechanism had yet to take up their functions. The Committee would welcome an update on the status of the group of experts and the timeline for its establishment and would be grateful for details of how the Government intended to ensure that the selection process was transparent.

42. The Committee was concerned that all the complaints of torture and ill-treatment the Ombudsman had received since 2013 had been dismissed as unfounded. It would be helpful to learn how the State party intended to ensure the efficacy of the mechanisms for monitoring and visiting places of detention. Had the reports of the State bodies responsible for inspecting places of detention been published? He would welcome details of the progress made towards the reintroduction of visits to places of detention by the International Committee of the Red Cross. He would also be grateful for information on how the authorities would ensure that independent civil society organizations were able to obtain official accreditation and conduct unannounced visits to places of detention.

43. Turning to the issue of reparations for victims of torture, he reiterated the Committee's request for information on whether any individuals had been compensated by the State party under article 991 of the Civil Code and whether persons responsible for damages had been obliged, since 2013, to provide compensation under articles 1003 and 1021 of the Civil Code. He would like to know whether the granting of compensation to

victims of torture was dependent on the perpetrators having received a criminal conviction or whether compensation claims could be pursued separately in civil proceedings. He would welcome an account of the policies in place in the State party to give effect to the right of victims of torture to receive appropriate reparation, including compensation and rehabilitation. In particular, he would be grateful for details of any cases in which medical or psychosocial rehabilitation had been offered to victims of torture.

44. With regard to refugee protection, he would appreciate detailed information on the implementation of the Presidential Decree of 29 May 2017, including details of the number of asylum applications received, granted and rejected, disaggregated by sex, age and country of origin.

45. He wished to know what concrete steps the State party had taken to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol following the commitment it had made to doing so at its universal periodic review in 2018. He also wished to know if the State party had any plans to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

46. In view of reports of asylum seekers being refused entry to the country, he would appreciate information about current immigration policy and the way in which the implementation of the standards, measures and guidelines set out in the policy was monitored. He would be interested to know whether detained migrants were informed of their right to claim asylum and to appeal against their expulsion, deportation or extradition, and whether those appeals had a suspensive effect. It would be helpful to have data on the number of expulsion, deportation and extradition cases during the reporting period, disaggregated by year. He wished to know whether, in any of those cases, the countries to which the migrants had been returned or extradited had offered diplomatic assurances. He would be grateful for information about the minimum contents of such assurances and the measures in place to monitor them.

47. The delegation might wish to provide data on educational and training programmes for all public servants involved in the custody, interrogation or treatment of persons deprived of their liberty, including the number and frequency of the courses, the number of participants in each and the occupational profile of the participants. It would be useful to have an indication of the specific topics covered in each course. He would appreciate similar information with regard to training courses for identifying victims of domestic violence and human trafficking. He repeated the Committee's request in the list of issues (paras. 25–27) for information regarding the consideration of acts of torture as universal crimes, the inclusion of offences referred to in article 4 of the Convention as extraditable offences in extradition agreements and the transfer of any evidence in connection with prosecution concerning torture or ill-treatment.

48. He asked what measures had been adopted to provide reparations in accordance with the decisions of the Human Rights Committee regarding the individual communications it had received in the cases of Ozoda Yakubova, Sirozhiddin Allaberdiev, Kayum Ortikov and others. Did the State party plan to adopt legislation in response to the decisions of that Committee?

49. **Ms. Racu** said that she would like an update on the situation of children in detention, particularly in terms of prison conditions, educational activities, family visits, disciplinary measures and the availability of a complaints mechanism. She wished to know how many children were deprived of their liberty and what measures were in place to improve conditions in their places of detention. What progress had been made in drawing up an action plan to reduce the number of children deprived of their liberty? She wondered whether any progress had been made in adopting a law establishing a children's ombudsman and, if so, whether the ombudsman would be able to visit places of deprivation of liberty.

50. She wished to know what the timeline was for the construction of the remaining 35 of the 200 planned regional centres for the social reintegration of women victims of violence. Could the delegation provide statistics on the number of prosecutions for marital rape under existing criminal law in order to demonstrate that no new provisions specifically criminalizing marital rape were required? She wondered what steps had been taken to

monitor the response of the authorities to complaints by domestic violence victims, in the light of reports of victims having to wait for long periods to receive assistance. She would like to know if the Government was prepared to reconsider its policy of reducing the divorce rate by requiring spouses to undergo reconciliation proceedings, so as to ensure that women did not feel compelled to remain in a relationship with an abusive partner. What steps had been taken to provide the Women's Committee of Uzbekistan with adequate funding and support to enable it to deliver services such as shelters for domestic violence victims? Lastly, she enquired whether the State party would be prepared to accept any of the recommendations made during the universal periodic review in May 2018 regarding the protection of the rights of lesbian, gay, bisexual and transgender persons.

51. **Ms. Belmir** asked what measures had been taken to implement the legislation and reforms intended to safeguard the independence of the judiciary and to prevent the courts from ignoring allegations of torture made by defendants.

52. **Mr. Hani** said that he would appreciate information on steps taken to prevent the torture of journalists, associated media personnel, trade unionists and human rights advocates and boost the State party's performance under indicator 16.10.1 of the global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development. It would be particularly useful to have information on measures to achieve target 16.2 on ending the abuse, exploitation, trafficking and all forms of violence against and torture of children.

53. He wondered whether the State party was considering making a declaration under article 22 of the Convention to recognize the competence of the Committee to receive and consider individual communications. He asked whether the Government intended to raise awareness among civil society organizations that worked to rehabilitate victims of torture and ill-treatment of the existence and functioning of the United Nations Voluntary Fund for Victims of Torture. Would the State party consider contributing to the Fund?

54. **Mr. Tuzmukhamedov** said that he would be interested to know what attempts had been made to encourage the Supreme Court, the Constitutional Court and other courts to invoke human rights treaties in their decisions. He wished to know what safeguards were in place to ensure that neither the current President, nor future presidents, would repeal the presidential decree abolishing the death penalty.

55. **The Chair** said that he wished to know under what conditions NGOs were permitted to monitor places of detention. Were they allowed to speak to the inmates of their choosing and were they granted access to the necessary files and records?

56. **Ms. Gaer** said that, in February 2019, three men suspected of acts of religious extremism who were on trial in Bukhara had alleged that they had been tortured and coerced into pleading guilty by State security officers. However, the judge had reportedly ignored the allegations. She would like to know if an investigation had been carried out and what the current status of the case was. She wondered whether any data were available on the number of inmates, especially those who had been convicted of acts of religious extremism, whose prison sentences had been increased and what authority had extended the sentences. She would be grateful for comments from the delegation in response to claims that those inmates' rights to due process had not been respected.

57. **Mr. Rodríguez-Pinzón** said that he wished to know whether the special fund to provide assistance to those who had suffered as a result of a crime had been launched and, if not, when the Government planned to do so. What progress had been made thus far? Lastly, he asked whether the State party had considered accepting the recommendation of the Special Rapporteur on the independence of judges and lawyers to incorporate a provision in the Constitution expressly recognizing the primacy of international human rights norms over national law.

*The meeting rose at 1 p.m.*