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

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Committee against Torture

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

Fourth periodic report of States parties due in 2011

Uzbekistan*, **, ***

[29 December 2011]

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** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translations services.

*** Annexes can be consulted in the files of the Secretariat.

Fourth periodic report of the Republic of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Contents

Abbreviations

HIV/AIDS	Human immunodeficiency virus/acquired immunodeficiency syndrome
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
OSCE	Organization for Security and Cooperation in Europe
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
CDU	Christian Democratic Union
UNICEF	United Nations Children's Fund

I. Introduction

1. Uzbekistan has been through two separate periods during its years of independent development, each of which has a special place in its history.

2. The initial period, from 1991 to 2000, was a transitional stage of priority reforms and changes, in which the foundations of Uzbekistan's statehood were laid. This period saw the establishment of the legal and organizational bases for the building of a democratic State governed by the rule of law, for a socially oriented market economy and for the formulation of a State policy of promoting, observing and defending human rights and freedoms. It was in this period that Uzbekistan acceded to the six core international human rights treaties of the United Nations.

3. The period from 2001 to 2010, a time of dynamic democratic renewal and modernization, played an equally important role in Uzbekistan's democratic development. Features of this period were, first, the increasing role and influence of the legislature, stemming from the establishment and functioning of a bicameral Parliament that takes national and regional interests into account when adopting laws; second, the increasing role and influence of political parties and civil society institutions in the adoption of critical government decisions and the rising power and significance of NGOs in public scrutiny of government activities; third, key reforms to liberalize and humanize the judicial and legal system, abolish the death penalty and strengthen the independence and effectiveness of the judiciary; and, fourth, extensive human rights education and outreach activities.

4. The foundations for a new period in Uzbekistan's development were laid in the policy framework for further deepening democratic reforms and establishing civil society in Uzbekistan, which was presented by the President of the Republic, Mr. I.A. Karimov, at the joint session of the Legislative Chamber and the Senate of the Oliy Majlis on 12 November 2010. The main objectives for this period have been formulated on the basis of a review of the 20-year period of independent development on the path of reform and modernization of the State and society.

5. The priorities for the further reform of society are as follows:

(a) The democratization of State power and administration through progressive implementation of the constitutional principle of separation of powers, a more effective system of "checks and balances", strengthening of the oversight functions of the legislative and representative authorities, both centrally and locally, and strengthening of the independence of the judiciary;

(b) Continued democratization, liberalization and humanization of the judicial and legal system, strengthening of judicial protection of civil rights, measures to safeguard the equality of prosecutors and defence counsel, the adversarial system and fair justice at all stages of judicial proceedings, and further enhancement of judicial oversight to ensure the legality of the actions of the agencies conducting initial inquiries and pretrial investigations, with a view to implementing the generally recognized principles and standards of international law regarding the protection of civil rights and freedoms;

(c) Further reform in information-related matters and protection of freedom of speech and of information through enhancement of the legal and economic foundations of the media and increased accountability of State bodies for ensuring broad public access to information on the work of State and governmental authorities;

(d) Progressive development and democratization of electoral law, aimed at enabling citizens to participate actively in the electoral process and giving them the democratic skills to exercise their right to vote and to stand for election, and at creating the

necessary conditions for effective pre-election campaigning and a transparent and open system of election monitoring, including by international organizations;

(e) Targeted support for the establishment and development of civil society institutions that enable citizens to realize their potential and to increase their political activism and awareness of the law, and that also facilitate the establishment and development of a social partnership between government and citizens' associations and the practical implementation of laws on citizens' involvement in the administration of public affairs and public scrutiny of the work of State bodies;

(f) Further deepening of democratic market reforms and liberalization of the economy on the basis of improved economic management, bolstering of the right to protection of private property, expansion of small businesses and entrepreneurship, and an increase in their share of the country's economy through the adoption of additional measures to protect the rights of entrepreneurs.

6. In the period 2008–2011, after the consideration of Uzbekistan's third periodic report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/UZB/3), deep and targeted reform of the country's judicial and legal system has continued, with account taken of the concluding observations and recommendations of the Committee against Torture and the Committee's general comments on the prevention and eradication of torture and the protection of victims of torture.

7. A first act of fundamental importance was the abolition of the death penalty in Uzbekistan in January 2008 and its replacement by sentences of long-term or life imprisonment.

8. A second major step forward was the introduction of habeas corpus in 2008, that is, the transfer from procurators to the courts of the authority to order remand in custody as a preventive measure. The introduction of habeas corpus has been a significant factor in ensuring the protection of constitutional rights and personal freedoms and the inviolability of the person. Since its introduction, the courts have blocked the use of the aforementioned preventive measure by investigation agencies on more than 700 occasions.

9. Third, a package of measures is gradually being implemented to safeguard the equality of prosecutors and defence counsel and the adversarial system at all stages of criminal and civil proceedings, and to improve the quality and efficiency of the administration of justice. In that connection, the adoption in 2008 of the Act on amendments and additions to certain legislative acts to improve the institution of the legal profession was of particular significance. A number of amendments and additions have been made to the law in force in order to strengthen further the self-sufficiency and independence of the legal profession as an important element of the liberalization of the judicial and legal system, and also to ensure the protection of human rights.

10. Fourth, over the past 10 years, the number of inmates in detention facilities in Uzbekistan has fallen by more than half. As a result of measures to liberalize criminal penalties, Uzbekistan today has one of the lowest numbers of prisoners per 100,000 population in the world: 166.

11. Fifth, pursuant to amendments to criminal procedure law and the Pretrial Detention during Criminal Proceedings Act, which was adopted on 29 September 2011, periods of investigation and pretrial detention have been reduced.

12. Sixth, a system of conciliation is in operation, under which a person who has committed criminal acts is not prosecuted where those acts do not pose a serious risk to the public and where the perpetrator has fully compensated for the material and moral harm to the victim. The effectiveness of this system and the fact that it is consistent with the

centuries-old traditions of the Uzbek people, such as mercy and the ability to forgive, have created a basis for its steady expansion. Today its use is under consideration in respect of 53 offences. As a result of the introduction of conciliation, around 110,000 citizens have been exempted from criminal liability over the period in question.

13. Seventh, significant work has been carried out to ensure legality in the work of the law enforcement agencies, and in particular to reform the work of the Procurator's Office and to transform it from an instrument of repression into a body that ensures firm implementation of the law, promotes democratic reform in Uzbekistan and ensures effective protection of human rights and freedoms. Pursuant to the Procurator's Office Act, as amended, citizens are not subject to procuratorial oversight, and the Procurator's Office has also been made more accountable for observance of the rights, freedoms and legal interests of individuals. The Procurator's Office no longer has the power to suspend the execution of court decisions, and town and district procurators have been deprived of the right to extend periods of investigation and remand in custody of accused persons.

14. Eighth, safeguards of the judicial protection of citizens have been significantly strengthened, and measures have been taken to ensure access to such protection: cassation procedure has been reformed, and an appeal procedure for the review of cases has been introduced. As a result of these changes, a higher appellate court may now review a case without sending it for retrial. Citizens now have the opportunity, where they disagree with a decision of a court of first instance that has become final, to defend their rights and legal interests directly in a court of cassation, with the participation of their lawyer. Thus the practice of secret and closed consideration of citizens' appeals against decisions of the courts of first instance has been completely abolished. Analysis shows that these changes have acted as a major guarantee that errors made by the courts of first instance will be promptly rectified and that procrastination will not be permitted in judicial proceedings. In 2000, about half of judicial errors were rectified under the supervisory procedure, whereas in 2009 more than 85 per cent of such cases were rectified under the appeal and cassation procedure.

15. Ninth, with a view to steadily implementing the constitutional principle of separation of powers, the judicial system has been removed from the control and influence of the executive authorities. The Ministry of Justice no longer has the power to nominate candidates for judicial posts, to suspend judges or dismiss them from their posts early, or to bring disciplinary action against them. A special body — the Higher Qualification Commission for the Selection and Recommendation of Judges attached to the Office of the President — now deals with issues relating to the organization of the courts' work, in particular court staff.

16. A body with special powers has been established within the Ministry of Justice — the Department for the Enforcement of Court Decisions and Logistical and Financial Support for the Work of the Courts — which has to a large extent relieved the courts of functions that do not properly belong to them and allowed them to focus on fulfilling their main role, which is the administration of justice.

17. A defining feature of the aforementioned period was the ratification by the Uzbek Parliament of a number of international instruments aimed at increasing the effectiveness of the national system of human rights protection.

18. In the year of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights — the celebration of which was the subject of the Presidential Decree of 1 May 2008 on a programme of events to mark the sixtieth anniversary of the Universal Declaration of Human Rights — the following international legal instruments were ratified:

- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

- The United Nations Convention against Corruption
- The International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment (Convention No. 138)
- The ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182)
- The International Convention for the Suppression of Acts of Nuclear Terrorism
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

19. During the period 2008–2011, the effectiveness of the Uzbek Parliament's legislative and oversight work with regard to the protection of human rights and freedoms improved significantly.

20. In the aforementioned period, the Oliy Majlis, as well as ratifying international human rights instruments, adopted laws aimed at implementing international standards and strengthening legal mechanisms for the protection of human rights in the administration of justice, including:

- The Rights of the Child (Safeguards) Act of 7 January 2008
- The Prevention of Human Trafficking Act of 17 April 2008
- The Act of 16 April 2008 on amendments and additions to certain legislative acts of the Republic of Uzbekistan to improve the law on protection of the rights of minors
- The Act of 14 January 2009 on amendments and additions to certain legislative acts of the Republic of Uzbekistan to improve enforcement proceedings
- The Act of 22 September 2009 on amendments and additions to certain legislative acts of the Republic of Uzbekistan to improve the law on countering the laundering of income from criminal activities and the funding of terrorism
- The Forensics Act of 1 June 2010
- The Act of 1 June 2010 on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the adoption of the Forensics Act
- The Act of 28 September 2010 on amendments and additions to the Code of Criminal Procedure of the Republic of Uzbekistan to improve the procedure for cooperation by the courts, procurators, pretrial investigators and agencies conducting initial inquiries with the competent authorities of foreign States
- The Prevention of Child Neglect and Juvenile Delinquency Act of 29 September 2010
- The Act of 26 April 2011 on amendments and additions to the Administrative Liability Code of the Republic of Uzbekistan on the question of exemption from administrative liability for minor offences
- The Pretrial Detention during Criminal Proceedings Act of 29 September 2011

21. In accordance with the Committee's concluding recommendations, a broad campaign has been conducted to raise awareness of the outcome of the consideration of the report in question, and the Committee's concluding observations have been translated into the Uzbek language and disseminated among government bodies, non-governmental non-profit organizations, clubs and associations, and the media. The Committee's observations and recommendations have been widely debated at meetings of parliamentary committees and the highest organs of the judiciary and law enforcement agencies, national human rights institutions and civil society institutions.

22. In order to implement the Committee's concluding recommendations, a working group to prepare and implement a National Plan of Action has been established from among representatives of government bodies and non-governmental non-profit organizations, providing for specific measures to address problems in the area in question.

23. The National Plan of Action for the implementation of the recommendations made by the Committee against Torture following consideration of the third periodic report was considered and approved on 23 September 2008 by the interdepartmental working group for monitoring the observance of human rights by the law enforcement agencies attached to the Ministry of Justice of the Republic of Uzbekistan. The progress of implementation of the National Plan of Action has been discussed regularly at meetings of the interdepartmental working group.

24. Considerable importance is attached to parliamentary oversight and monitoring of Uzbek law and international human rights instruments.

25. The Committee on International Affairs and Interparliamentary Relations of the Legislative Chamber of the Oliy Majlis, as part of its work during the period 2008–2011, monitored the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the domestic law of Uzbekistan, including analytical monitoring of the status of implementation of the Convention against Torture by the law enforcement agencies of Navoiy province.

26. Following the parliamentary oversight carried out in the Navoiy provincial *khokimiyat* (administration), an expanded meeting of the Committee was held with the participation of the National Centre for Human Rights, during which proposals were submitted for further improvements to domestic law aimed at eradicating torture and other degrading treatment. The results of the parliamentary oversight were widely reported in the local and national media. A film publicizing the Convention against Torture has been made in conjunction with the private television channel NTT, and special study programmes on the Convention have been developed at the Academy of the Ministry of Internal Affairs, within the higher training courses of the Procurator-General's Office, and at the Centre for Further Training of Jurists at the Ministry of Justice.

27. The implementation of the Convention against Torture has been discussed twice in the context of events organized by the Committee on Foreign Policy Matters of the Senate of the Oliy Majlis: on 15 February 2008, a conference was held on the subject of international standards in penal enforcement law and their implementation in Uzbekistan, organized jointly with the Ombudsman; and, on 14 March 2008, a meeting of the Committee took place in the Senate of the Oliy Majlis, at which the progress of implementation of the Convention against Torture was discussed.

28. Since August 2010, on the basis of an agreement between the United Nations Development Programme (UNDP) and the chambers of the Oliy Majlis, implementation of a joint project to support parliamentary development has been under way, with a view to providing technical assistance to strengthen the information and communications technology infrastructure and institutional basis of the information-gathering and analysis carried out by the chambers of the Oliy Majlis. As part of the UNDP project to support

parliamentary development, one-day training courses for members of the Senate of the Oliy Majlis on the subject of improving parliamentary oversight of the executive authorities were held on 19 April 2011 in Urganch, 22 April 2011 in Tashkent, 26 April 2011 in Samarqand and 29 April 2011 in Andijon.

29. With a view to implementing the Convention against Torture and other international legal instruments relating to human rights, the following policy documents have been adopted:

(a) The National Plan of Action for the implementation of the concluding observations and recommendations made by the Committee against Torture following consideration of the third periodic report of Uzbekistan on the implementation of the Convention against Torture (2008–2011);

(b) The National Plan of Action for the implementation of the recommendations made by the United Nations Human Rights Council following consideration of the national report of Uzbekistan in the context of the universal periodic review (2009–2011);

(c) The National Plan of Action for the implementation of the recommendations made by the United Nations Committee on the Rights of the Child following consideration of the second periodic report of Uzbekistan on the implementation of the Convention on the Rights of the Child (2006–2009);

(d) The National Plan of Action for the implementation of the ILO Convention concerning Minimum Age for Admission to Employment and the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2008–2010);

(e) The National Plan of Action for the Prevention of Human Trafficking (2008–2010);

(f) The National Plan of Action for the implementation of the recommendations made by the Committee on the Elimination of Discrimination against Women following consideration of the fourth periodic report (2010–2013);

(g) The National Plan of Action for the implementation of the recommendations made by the Human Rights Committee following consideration of the third periodic report (2010–2013).

30. In order to overcome the impact of the global financial and economic crisis, the Anti-crisis Programme 2009–2011 was adopted in Uzbekistan, aimed at the social and economic welfare of the population, in particular socially vulnerable groups, through measures to support domestic producers and prevent unwarranted rises in the prices of foodstuffs and consumer goods.

31. Particular attention is being paid to organizational, legal and financial support for Uzbekistan's national human rights institutions. Specifically, in 2009 a number of amendments and additions were made to the Act on the Legislative Chamber of the Oliy Majlis, the Act on the Senate of the Oliy Majlis, the Code of Criminal Procedure and the Penal Enforcement Code, with a view to strengthening legal safeguards of the powers of the parliamentary Ombudsman to consider citizens' complaints and petitions.

32. As part of the celebration of the sixtieth anniversary of the Universal Declaration of Human Rights in 2008, a special Government Decision was adopted on a set of measures for State support for national human rights institutions, which has helped to build the technical and human resources capacities of the Ombudsman and the National Centre for Human Rights.

33. A system of human rights monitoring is in operation in Uzbekistan, which includes:

- Committees and commissions of the Legislative Chamber and the Senate of the Oliy Majlis
- The Human Rights Commissioner of the Oliy Majlis (Ombudsman)
- The Institute for the Monitoring of Current Legislation attached to the Office of the President
- The National Centre for Human Rights
- The Central Office of the Ministry of Justice for the Monitoring of Compliance with the Law
- The Supreme Court Research Centre on the Democratization and Liberalization of Judicial Legislation and the Independence of the Judicial System
- The Independent Institute for Monitoring of the Development of Civil Society, which coordinates public monitoring and scrutiny of non-governmental non-profit organizations

34. Special units have been established within the Ministry of Internal Affairs, the Ministry of Justice and the Procurator-General's Office for the safeguarding of human rights and freedoms. Their functions also include the prevention of torture and other forms of violence.

35. In accordance with the recommendations of the Committee on the Rights of the Child and national programmes dealing with children's rights, Uzbekistan is planning to adopt an act establishing the institution of a children's ombudsman.

36. Uzbekistan cooperates actively with the treaty bodies and special mechanisms of the United Nations on the implementation of its international obligations relating to human rights and freedoms, and regularly submits information to these entities on various aspects of human rights. In 2010–2011, detailed information was provided with regard to communications from the United Nations Special Rapporteur on secret detention in the context of countering terrorism; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Representative of the Secretary-General on violence against children and national mechanisms for the prevention of violence against children; the Special Rapporteur of the Human Rights Council on contemporary forms of slavery, Ms. Gulnara Shahinian; and the Independent Expert of the Human Rights Council in the field of cultural rights, Ms. Farida Shaheed. Updated information was provided on the implementation of the recommendations of the former Special Rapporteur on torture, Mr. Theo van Boven, and the Rapporteur for follow-up to concluding observations of the Committee against Torture, Ms. Felice Gaer.

37. In the context of implementation of the international human rights treaties, Uzbekistan prepared eight national reports during the period 2008–2011: the fourth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (considered between 18 January and 5 February 2010); the third periodic report on the implementation of the International Covenant on Civil and Political Rights (considered on 11 and 12 March 2010); the sixth and seventh periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (considered between 2 and 27 August 2010); the national report on human rights in the context of the universal periodic review, considered by the Human Rights Council in 2009 and approved in March 2010; the third and fourth periodic reports on the implementation of the Convention on the Rights of the Child, submitted to the Committee on the Rights of the Child in January 2010; the second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights, submitted to the Committee on Economic, Social and Cultural Rights in June 2010; the

initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, submitted to the Committee on the Rights of the Child in January 2011; and the initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, submitted to the Committee on the Rights of the Child in February 2011.

38. The aforementioned national reports were prepared with the involvement of more than 30 government bodies and 20 non-governmental non-profit organizations; these are public reports and are posted in the relevant sections of the website of the Office of the United Nations High Commissioner for Human Rights.

39. This fourth periodic report of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] contains information on the implementation of the National Plan of Action for the implementation of the recommendations made by the Committee against Torture following the consideration of the third periodic report of Uzbekistan, and also of the relevant points in the aforementioned national plans of action relating to the protection of human rights in the administration of justice.

40. The report has been prepared in accordance with the requirements of article 19 of the Convention against Torture, and also the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties.

41. The following were involved in the preparation of the report: the legislative, executive and judicial authorities, the law enforcement agencies, educational institutions engaged in training and further training of legal professionals, and also the Chamber of Lawyers, the Association of Judges, and other non-governmental non-profit organizations and clubs and associations that cooperate in the implementation of government policy on the prevention of torture and the protection of human rights in the administration of justice.

42. This report was discussed at hearings in the Legislative Chamber of the Oliy Majlis, with the participation of representatives of the judiciary and law enforcement agencies, educational institutions and civil society institutions.

43. In the preparation of the report, account was taken of the observations and recommendations of the Special Rapporteur on torture, Mr. Manfred Nowak, European entities concerned with the prevention of torture, including the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), and the concluding and general comments of the Committee against Torture, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Human Rights Council, and other international entities and foreign partners of the Republic of Uzbekistan.

[1] The working group for the preparation of the fourth periodic report of the Republic of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment consisted of Mr. A. Saidov, Director of the National Centre for Human Rights of the Republic of Uzbekistan, Doctor of Legal Sciences and Professor; Mr. A. Ismailov, Deputy Director of the National Centre for Human Rights of the Republic of Uzbekistan; Ms. F. Bakaeva, Head of the Department of Human Rights Analysis and Research and Candidate of Legal Sciences; Mr. M. Tillabaev, Head of the Department of International Cooperation on Human Rights and Candidate of Legal Sciences; Ms. K. Arslanova, Principal Consultant in the Department of Human Rights Analysis and Research; and Mr. A. Gorokhov, Senior Specialist in the Department of Human Rights Analysis and Research.

II. Information relating to individual articles of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Articles 1 and 4

44. The protection of persons from torture and other forms of violence is guaranteed under article 26 of the Constitution of Uzbekistan, which states that any person accused of committing a crime is considered innocent until lawfully proven guilty in an open trial that affords the accused every opportunity for defence.

45. With a view to implementing articles 1 and 4 of the Convention against Torture, article 235 of the Criminal Code, paragraph 1 of which contains a definition of torture, was amended pursuant to an act of 30 August 2003.

46. This definition reads as follows:

> "The use of torture and other cruel, inhuman or degrading treatment or punishment, i.e. illegal exertion of mental or physical pressure 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, by a person conducting an initial inquiry or pretrial investigation, a procurator or other employee of a law enforcement agency or penal institution by means of threats, blows, beatings, cruel treatment, torment or other illegal acts in order to obtain from them information of any kind or a confession, or to punish them arbitrarily for an act they have carried out, or to coerce them into action of any kind."

47. The definition of torture and other cruel, inhuman or degrading treatment given in article 235 of the Criminal Code is fully compliant with the requirements of the Convention against Torture.

48. Only persons conducting an initial inquiry or pretrial investigation, procurators or other employees of law enforcement agencies or penal institutions may be classed as perpetrators of the offence in question.

49. If the offence is committed by a person who is not an employee of a law enforcement agency, but at the instigation of or with the consent or acquiescence of a person conducting an initial inquiry or pretrial investigation or other employee of a law enforcement agency, his or her action will be categorized as aiding and abetting the use of torture or other cruel, inhuman or degrading treatment or punishment in the form of provision of the means for the commission of an offence under articles 28 and 235 of the Criminal Code (complicity in a crime).

50. The use of violence against military personnel is prohibited by the following articles of the Criminal Code: 235 (use of torture and other cruel, inhuman or degrading treatment or punishment); 282 (death threats or threats to use force against a superior); 283 (battery or minor or moderate bodily harm in connection with the performance of military service obligations); and 285 (violation of the statutory rules governing relations among military personnel of equal rank, in the form of systematic abuse, cruel treatment, minor bodily harm with impairment of health or moderate bodily harm, or unlawful deprivation of liberty).

51. These standards are also set out in the Combined Statutes of the Armed Forces of the Republic of Uzbekistan, which were approved and entered into force under a Presidential Decree of 9 October 1996. For example, article 31 of the Internal Service Statutes of the Armed Forces of the Republic of Uzbekistan states that senior officers are liable for acts

that undermine the human dignity of a subordinate. Article 100 of the Disciplinary Statutes of the Armed Forces of the Republic of Uzbekistan prohibits acts that personally humiliate a member of the Armed Forces.

52. Day-to-day intradepartmental monitoring of the situation in this respect is carried out by commanders or senior officers at all levels and by other officials of the Armed Forces who are required to do so, including those carrying out inspections and checks.

53. External monitoring of the situation is carried out by the military procuratorial authorities and special departments of the National Security Service in the form of checks, and also surveys of military personnel and the use of telephone helplines.

54. A Decision of the plenum of the Supreme Court of the Republic of Uzbekistan of 19 December 2003 on the application by the courts of laws safeguarding the right of suspects and accused persons to a defence (para. 18) specifies that, pursuant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

55. The prohibition of the use of torture and other cruel, inhuman or degrading treatment or punishment is also included in the Rights of the Child (Safeguards) Act. Paragraph 4 of article 10, "Safeguards of the freedom and inviolability of a child's person", contains the provision set out below.

56. "The State shall ensure the inviolability of a child's person and home and the confidentiality of his or her correspondence and shall protect the child from all forms of exploitation, including physical, mental and sexual violence, torture or other forms of cruel, harsh or degrading treatment, sexual abuse, involvement in criminal activity or prostitution."

57. Article 11 of the Act establishes safeguards of the rights of the child by ensuring the right to a judicial remedy and the right to file complaints about the acts and decisions of State bodies, clubs and associations, and officials.

58. Article 22 of the Rights of the Child (Safeguards) Act prohibits any scientific trials or other experiments on a child that are detrimental to his or her life, health or normal development.

59. In addition, pursuant to article 56 of the Criminal Code, the use of particular cruelty in the commission of an offence is considered an aggravating circumstance. The Criminal Code establishes liability for offences involving cruel treatment of the victim, where the evidence of such treatment includes elements of torture, i.e. other forms of cruel, inhuman or degrading treatment of the person.

60. Article 103 of the Criminal Code, "Incitement to suicide", establishes liability for inciting a person to commit or attempt to commit suicide through cruel treatment or systematic humiliation or degrading treatment of a person not financially or otherwise dependent on the perpetrator.

61. Article 110 of the Criminal Code, "Cruel treatment", is also directly related to torture, in that it refers to systematic beatings or other acts having the character of cruel treatment, which may include three forms of ill-treatment: torture, inhuman treatment or degrading treatment.

62. Article 138 of the Criminal Code, “Forcible unlawful deprivation of liberty”, states that “forcible unlawful deprivation of a person’s liberty shall be punishable with a fine of up to 50 times the minimum wage or punitive deduction of earnings for up to three years or deprivation of liberty for up to three years. The same act accompanied by:

(a) Infliction of physical suffering;

(b) Detention in conditions that pose a threat to life or health shall be punishable with deprivation of liberty for three to five years.”

63. Article 285 of the Criminal Code, “Violation of the statutory rules governing relations among military personnel of equal rank”, provides as follows:

> “Violation of the statutory rules governing relations among military personnel of equal rank in the form of systematic abuse, cruel treatment, infliction of minor bodily harm with impairment of health or moderate bodily harm, or unlawful deprivation of liberty, shall be punishable with detention for up to six months or assignment to a disciplinary unit for up to one year or deprivation of liberty for up to five years.
>
> The same act:
>
> (a) Committed by a group of persons;
>
> (b) Committed with the use of a weapon;
>
> (c) Involving grievous bodily harm
>
> shall be punishable with deprivation of liberty for 5 to 10 years.
>
> The same act, where it results in the death of a person, shall be punishable with deprivation of liberty for 10 to 15 years.
>
> The same act, where it results in:
>
> (a) Human casualties;
>
> (b) Other serious consequences
>
> shall be punishable with deprivation of liberty for 15 to 20 years.”

64. This article is directly aimed at preventing ill-treatment among military personnel.

65. For the first time in legislative practice, the use of torture is prohibited under the new Pretrial Detention during Criminal Proceedings Act of 29 September 2011. Article 7 of the Act, which specifies the legal situation of detainees and remand prisoners, provides that “the use of torture and other cruel, inhuman or degrading treatment against detainees and remand prisoners shall be prohibited”.

66. Article 27 of the Medical Care Act states that “where a detainee or remand prisoner suffers bodily harm in a remand centre, a medical examination shall be carried out without delay by the medical staff of the centre. The results of the medical examination shall be duly recorded and communicated to the victim. Where the head of the remand centre or the official or body competent for the criminal case so decides, on his, her or its own initiative or at the request of the detainee or remand prisoner or his or her defence counsel, a medical examination shall be conducted by staff of medical institutions in the State health care system. In the event of failure to conduct such an examination, an appeal may be filed with a procurator.”

67. Article 34 of the Act, which specifies the obligations of detainees and remand prisoners, states that such persons shall not carry out acts that humiliate or demean others or endanger their own life and health or the life and health of others.

68. The Pretrial Detention during Criminal Proceedings Act[2] also specifies the conditions and grounds for the use of physical force, straitjackets, special devices, gas weapons, automatic weapons or firearms in respect of remand prisoners (arts. 45–49).

69. The general prohibition on the use of ill-treatment is also set out in the Penal Enforcement Code and the Code of Criminal Procedure.

70. Article 7 of the Criminal Code, "Principle of humanity", states that the purpose of punishment and other legal sanctions shall not be to cause physical suffering or to undermine human dignity.

71. In accordance with article 17 of the Code of Criminal Procedure, judges, procurators and persons conducting pretrial investigations or initial inquiries are obliged to respect the honour and dignity of persons involved in a case. No one shall be subjected to torture, violence or other cruel, humiliating or degrading treatment. Under article 15 of the Code of Criminal Procedure, where there are sufficient grounds to suspect the commission of a crime, including torture, criminal proceedings must be instituted.

72. Pursuant to paragraph 19 of the decision of the plenum of the Supreme Court of the Republic of Uzbekistan of 19 December 2003 on the application by the courts of laws safeguarding the right of suspects and accused persons to a defence, pretrial investigators, procurators and judges must always ask individuals brought before them from remand centres about their treatment during the initial inquiry and pretrial investigation and must also ask about the conditions in which they have been held. Any report of torture or other prohibited methods of inquiry or investigation must be thoroughly checked by forensic examination and other means, and procedural and other legal action must be taken on the findings, up to and including the institution of criminal proceedings against officials.

73. Judges thoroughly check reports by defendants of the use of prohibited methods, which are subjected to the appropriate legal assessment.

74. During the period 2008–2010 and the first six months of 2011, 10,226 complaints and communications concerning unlawful acts by law enforcement officers were received, 428 of which concerned the use of torture. Specifically, 404 complaints in this category concerned internal affairs officers, 10 concerned staff of the State Customs Committee, 4 staff of the Department for Combating Tax and Currency Crimes and Money Laundering, 4 staff of the Ministry of Justice, 2 staff of the State Tax Committee and 4 staff of other supervisory authorities.

75. During the period 2008–2010 and the first six months of 2011, no complaints of the use of torture by staff of the procuratorial authorities, the National Security Service or the courts were received.

76. Following review of the complaints of torture, 27 criminal cases were instituted, investigated and brought to court, and the perpetrators were punished accordingly. Of the total number of criminal cases instituted concerning incidents of torture, 26 concerned internal affairs officers and 1 concerned staff of the customs committee.

77. During the aforementioned period, 22 criminal cases concerning 50 individuals were heard by the courts; convictions were handed down in 16 of those cases concerning 30 individuals, and 6 criminal cases concerning 16 individuals were halted on the granting of an amnesty. The courts sentenced 2 individuals convicted of crimes in this category to a fine; 3 individuals were sentenced to punitive deduction of earnings and 18 were sentenced to deprivation of liberty, while 12 were released under an amnesty.

[2] See annex for full text of the Act.

78. In all the criminal cases, compensation for damage was provided during the period of pretrial investigation and trial.

79. During the period 2008–2010 and the first six months of 2011, 28 men, 7 of whom were convicted prisoners, and 2 women suffered torture and other prohibited methods of treatment. During the period under consideration, the procuratorial authorities identified nine cases of violence among inmates of penal institutions. Analysis by region shows that the crimes in question were committed in Tashkent and Navoiy regions and also in the city of Tashkent.

80. The victims in the cases referred to above were men aged 25 to 45, the majority of whom were nationals of Uzbekistan.

81. There were no recorded cases of the use of torture or prohibited methods of treatment against minors, members of ethnic minorities, disabled persons, foreigners or stateless persons, or persons under compulsory medical treatment.

82. The Supreme Court of the Republic of Uzbekistan consolidated judicial practice in criminal cases brought and considered under article 235 of the Criminal Code.

83. The outcome of the consolidation was considered at a meeting of the Presidium of the Supreme Court, and a decision was adopted on 14 July 2008 on judicial practice in the hearing of criminal cases concerning the use of torture and other cruel, inhuman or degrading treatment or punishment referred to in article 235 of the Criminal Code of the Republic of Uzbekistan. The decision stated that courts must respond by adopting specific rulings in respect of law enforcement officers who have violated the law.

84. The consolidation of judicial practice in cases concerning the use of torture and other cruel, inhuman or degrading treatment or punishment shows a slight downward trend in the number of such cases.

85. For example, in 2009 the courts heard 7 criminal cases involving 11 individuals under article 235 of the Criminal Code, whereas in 2010 they heard 6 such cases involving 8 individuals and, in the first quarter of 2011, 4 cases involving 8 individuals.

86. Analysis of statistical data shows that most of those prosecuted for the aforementioned crimes are internal affairs officers, and in most cases they incur custodial sentences.

87. The outcome of the consolidation conducted by the Supreme Court confirms that it was timely to establish, in the Pretrial Detention during Criminal Proceedings Act, specific obligations for internal affairs officers with regard to safeguarding the rights of detainees and of persons remanded in custody and serving sentences, and with regard to enhancing oversight by civil society institutions of the work of law enforcement agencies during investigations and other operations.

88. As part of the implementation of the concluding observations and recommendations made by the Committee against Torture following consideration of the third periodic report of Uzbekistan on the implementation of the Convention against Torture in the period 2008–2011, the following specific steps have been taken:

(a) The adoption in 2008 of the National Plan of Action for the implementation of the recommendations made by the Committee against Torture following consideration of the third periodic report of Uzbekistan, which provides for improvements to legislation and law enforcement practice with regard to the prevention of torture. The implementation of the Plan is coordinated by the interdepartmental working group on the observance of human rights and freedoms by the law enforcement agencies attached to the Ministry of Justice;

(b) The adoption of the Act on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the abolition of the death penalty, which introduces new sentences of long-term and life imprisonment, and also the procedure and conditions for ordering such sentences;

(c) The adoption of the Act on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the transfer to the courts of the authority to order remand in custody, which has contributed to more effective judicial protection of civil rights at the pretrial stage and the early detection of errors in investigations;

(d) The adoption of the Act on amendments and additions to certain legislative acts of the Republic of Uzbekistan to improve the institution of the legal profession, which has strengthened safeguards of the right to legal protection of detainees, accused persons, witnesses and other parties to proceedings during initial inquiries and pretrial investigations;

(e) The adoption of the Pretrial Detention during Criminal Proceedings Act, which has strengthened safeguards of the rights of detainees and remand prisoners;

(f) The introduction of amendments and additions to the Code of Criminal Procedure and the Penal Enforcement Code, pursuant to the Act of 10 April 2009 on amendments and additions to certain legislative acts of the Republic of Uzbekistan to improve the work of the Human Rights Commissioner of the Oliy Majlis of the Republic of Uzbekistan (Ombudsman). For example, under article 216, paragraph 2, of the Code of Criminal Procedure, the administrations of detention and remand centres are obliged to ensure the conditions necessary for detainees and remand prisoners to hold unrestricted and confidential meetings and discussions with the Ombudsman.

89. The status of the Ombudsman and his or her role in the protection of the rights of persons held in detention facilities were strengthened as a result of the adoption on 29 September 2011 of the Pretrial Detention Act. Article 19, paragraph 3, of the Act states that petitions, proposals and complaints addressed to the Ombudsman are not subject to censorship and are forwarded or passed on to the addressee under seal no later than one working day after the date of submission.

90. In addition, article 23 of the Act establishes the right of the Ombudsman to visit remand centres without restriction and to hold meetings and discussions with detainees and remand prisoners. The remand centre administration is obliged to ensure the conditions necessary for the Ombudsman to hold unrestricted and confidential meetings and discussions with detainees and remand prisoners. Such meetings and discussions are held in private in a place where the participants can be seen but not heard by the staff of the remand centre.

91. Increased efforts are being made to publicly condemn torture through open discussion of the issue within the internal affairs agencies, procuratorial authorities, other law enforcement entities and the judicial authorities.

92. Specifically, the Ministry of Internal Affairs prepared and on 16 December 2008 approved Order No. 172 of the Minister of Internal Affairs approving the Ministry's plan of basic measures to implement the National Plan of Action for the implementation of the concluding observations and recommendations of the Committee against Torture. The Order and the plan of basic measures are aimed at all the units of the Ministry of Internal Affairs and local internal affairs agencies, and their implementation is being specially followed up by senior officials of the Ministry.

93. With a view to preventing violations of legality and human rights in the law enforcement work of the internal affairs agencies, quarterly surveys and reviews of the

status of observance of legality and human rights by internal affairs officers are sent to the units and local agencies of the Ministry of Internal Affairs and are discussed by the staff of the internal affairs agencies.

94. In 2008, the Office for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs was established. A number of internal instruments on compliance with human rights protection prepared and published on the initiative of the Office have been approved by orders of the Ministry of Internal Affairs.

95. These orders are as follows: Order No. 172 of 15 December 2008 approving the plan of measures of the Ministry of Internal Affairs for the implementation of the recommendations of the Committee against Torture (thirty-ninth session, 5–23 November 2007, Geneva); Order No. 173 of 15 December 2008 approving the composition of the Central Commission for Human Rights Protection in the Ministry of Internal Affairs; Order No. 26 of 24 February 2010 approving the instructions for the recording, registration and review of communications received through telephone helplines; and Order No. 96 of 4 July 2011 approving standards of professionalism for internal affairs officers. The following have also been approved: the plan of basic organizational measures to be taken by the Ministry of Internal Affairs to implement the National Plan of Action for the implementation of the recommendations made by the Human Rights Council following the universal periodic review of Uzbekistan of 10 November 2009; the plan of basic organizational measures to be taken by the Ministry of Internal Affairs to implement the National Plan of Action for the implementation of the observations of the Committee on the Elimination of Discrimination against Women of 30 October 2010; the plan of basic organizational measures to be taken by the Ministry of Internal Affairs to implement the National Plan of Action for the implementation of the observations and recommendations of the Human Rights Committee concerning the implementation of the International Covenant on Civil and Political Rights of 30 October 2010; and the plan of basic organizational measures to be taken by the Ministry of Internal Affairs to implement the National Plan of Action for the implementation of the observations of the Committee on the Elimination of Racial Discrimination of 5 May 2011.

96. At its extraordinary meeting on 14 November 2008, the central administrative board of the Ministry of Internal Affairs discussed the status of legality in the internal affairs agencies and ways of improving it, and also the situation with regard to human rights. The inadmissibility of any violation of legality in the work of the internal affairs agencies or abuse of human rights in any form, including the use of prohibited methods of initial inquiry and pretrial investigation (i.e. torture), was included in the decision adopted by the board.

97. The findings of reviews of complaints of torture are discussed at operational meetings and also at coordination meetings of the law enforcement agencies, during which specific recommendations are developed for further improvements to procuratorial oversight in this area.

98. At a coordination meeting on 7 April 2009, discussions took place on issues relating to legality and procuratorial oversight in the consideration of complaints and communications concerning unlawful acts by law enforcement officers, including human rights violations and the use of torture and other prohibited methods of treatment.

99. As part of the implementation by all military procurators of paragraph 6.9 of the National Plan of Action for the implementation of the recommendations of the Committee against Torture, workshops have been held with staff in order to explain the requirements of the Convention against Torture, and proposals have been developed for the adoption of additional measures to prevent this type of human rights violation.

100. The requirements of the Constitution, domestic law and the Convention against Torture, and also effective measures being taken in that area, were discussed with staff of the Military Procurator's Office and adopted for implementation at operational meetings under the Deputy Procurator-General and Military Procurator of Uzbekistan on 21 December 2010 and 1 March 2011, and at operational meetings under the First Deputy Military Procurator on 30 August 2008 and 28 November 2009.

101. In addition, the inadmissibility of cruel or humiliating treatment and the need for comprehensive protection of the rights and freedoms of military personnel and members of their families were discussed on 8 November 2008 at a coordination meeting between the Military Procurator's Office and the Armed Forces Command of the Republic of Uzbekistan, which was attended by senior officials of ministries and departments that form part of the country's Armed Forces, and also at coordination meetings between the Military Procurator's Office and the senior officials of the agencies responsible for initial inquiries on 20 October 2010 and 8 July 2011.

102. The Military Procurator's Office and military procurators at the local level monitor compliance with the prohibition on the use of torture and other cruel, inhuman or degrading treatment or punishment in the course of oversight activities, criminal investigations and the review of crime reports.

103. In 2008, the procuratorial authorities organized more than 10,000 initiatives to raise awareness of the law on human rights protection, including issues relating to the use of torture. Around 3,000 of these took the form of appearances in the media (press, radio and television).

104. During 2010, 116,442 initiatives took place to raise awareness of the law (32,677 in the first three months of 2011), including 97,877 (26,649) conferences, workshops and lectures, and 21,565 (6,028) television and radio appearances and articles published in the print media. Of the total number of initiatives, 12,890 (3,916) related to human rights protection, including the prevention of torture and the punishment of the perpetrators.

105. During the period 2008–2010 and the first half of 2011, as part of international cooperation and with the assistance of the OSCE Project Coordinator in Uzbekistan, the UNDP regional office and the International Committee of the Red Cross (ICRC), more than 15 training workshops were organized for law enforcement officers, with the participation of international experts.

106. On 3 March 2009, an academic and practical conference was held on the subject of liability for the use of torture and other cruel, inhuman or degrading treatment or punishment. The conference was attended by parliamentarians, senators, representatives of the Ombudsman, the Procurator-General's Office, the Ministry of Justice, the Ministry of Foreign Affairs and other relevant ministries and departments, and academics and experts in criminal and penal enforcement law.

107. On 26 September 2009, a national academic and practical conference was held on the subject of regulation with regard to criminal liability for the use of torture, attended by representatives of the law enforcement agencies, academic jurists, representatives of NGOs, lawyers and international experts.

108. On 31 May 2011, a national academic and practical conference was held on the implementation of the standards of the Convention against Torture in national criminal law. The conference produced academic and practical proposals and recommendations aimed at improving the country's criminal law, which were passed on to the Legislative Chamber of the Oliy Majlis.

109. On 22 June 2011, a round table was held on the implementation of generally recognized principles and standards of international law with regard to the protection of

civil rights and freedoms, during which academics, experts and representatives of the law enforcement agencies and the Chamber of Lawyers considered the legal aspects of the concept of torture and conducted a comparative analysis of the concept, as defined in both the Convention against Torture and the Criminal Code.

110. With a view to clarifying the provisions of the new acts that entered into force on 1 January 2008 abolishing the death penalty and introducing habeas corpus, the Ombudsman, together with the OSCE Project Coordinator in Uzbekistan, held a series of workshops for staff of the courts and law enforcement agencies on cooperation by the Ombudsman with law enforcement agencies and the judiciary in the cities of Urganch, Andijon, Tashkent, Navoiy, Qarshi and Jizzax. The workshop participants discussed issues relating to improvement of the mechanisms for cooperation by the Ombudsman with the judiciary and the law enforcement agencies.

111. In conjunction with the office of the Konrad Adenauer Foundation, conferences have been organized on cooperation by the Ombudsman with the courts and law enforcement agencies on the implementation of habeas corpus in the context of ongoing reform of the legal and judicial system (in the cities of Tashkent, Buxoro, Namangan, Nukus and Termiz) and on improving the penal system through oversight and observance of prisoners' rights (in the cities of Jizzax, Qarshi, Guliston, Farg'ona and Samarqand), during which a book on human rights in Uzbekistan was distributed. During these workshops, meetings were held with inmates of penal institutions.

112. The conferences and workshops organized by the Ombudsman were attended by Mr. Matthias Mayer, the Ambassador Extraordinary and Plenipotentiary of the Federal Republic of Germany to Uzbekistan; Mr. Bernd Scheske, a German expert; Mr. Dieter Althaus, the former Prime Minister of the Land (state) of Thuringia, member of the Board of Directors of the Konrad Adenauer Foundation, member of the Presidium of the Christian Democratic Union (CDU) of Germany and member of the Board of Magna/Volkswagen; Mr. Matthias Rößler, President of the Landtag (state parliament) of Saxony; Mr. Steffen Flath, Chairman of the CDU parliamentary party in the Landtag of Saxony; and Mr. Heinz Bühler, Vice-President of the German-Uzbek Society.

113. During 2010, the Ombudsman organized a series of workshops on safeguarding the legal interests and freedoms of Uzbek citizens by promoting a human rights culture in the work of the law enforcement agencies and civil society institutions, which took place in all regions of the country under the agreement on cooperation between the Ombudsman and the Ministry of Internal Affairs, with the support of the Uzbekistan office of the Konrad Adenauer Foundation.

114. At a conference held on 19 and 20 August 2010 at the Academy of the Ministry of Internal Affairs, Mr. Thomas Kunze, Regional Representative of the Konrad Adenauer Foundation for Central Asia and Kazakhstan, presented the Zangiata young offenders' institution with a new set of equipment for a computer science classroom, provided by the Foundation with the support of the Ombudsman. The event participants and the German guests learned about the conditions of detention and the training and medical care offered to the inmates of the institution.

115. The National Centre for Human Rights is making a significant contribution to improving the level of legal literacy and awareness among staff of the law enforcement agencies and civil society institutions.

116. On 18 March 2010, the National Centre for Human Rights held a round table on crime prevention and human rights protection, attended by students of the higher training courses of the Procurator-General's Office; on 6 and 7 April 2010, workshops organized jointly with UNDP were held in Samarqand and Jizzax on the exercise of the human right to judicial protection: national and international standards of access to justice; on 8 April

2010, an academic and practical conference took place on the subject of human rights and freedoms during a state of emergency; on 22 June 2010, in conjunction with the OSCE Project Coordinator in Uzbekistan, an international conference was held on academic research in the field of human rights and freedoms: status and prospects; on 16 September 2010, an international conference was held on the subject of Uzbekistan and the United Nations Millennium Development Goals: achievements and prospects; and other similar events have also taken place.

117. On 31 January 2011, the National Centre for Human Rights, together with the OSCE Project Coordinator, held an expanded meeting of the Academic Coordination Council for Research in the Field of Human Rights and Freedoms on the subject of further democratization of the judicial and legal system in Uzbekistan; on 22 February 2011, with the support of the United Nations Children's Fund (UNICEF) Country Office in Uzbekistan, a round table was held on developing and improving the national system of monitoring of children's rights in Uzbekistan; on 11 March 2011, in conjunction with the International Center for Not-for-Profit Law and the Centre for the Study of Legal Problems, an international academic and practical conference was held on improving domestic law with regard to expanding the partnership between the State and civil society institutions, in the context of the President's report of 12 November 2010 on a policy framework for further deepening democratic reforms and establishing civil society in Uzbekistan; on 30 June 2011, an international round table was held on the subject of establishing a human rights culture: the top priority in ensuring the protection of human rights and freedoms and the further development of civil society in Uzbekistan, attended by experts from Germany, Latvia, Korea and OSCE/ODIHR; and on 15 and 16 December 2011, an international conference was held on international legal standards and Uzbekistan's experience of establishing a national system of protection of human rights and freedoms, attended by experts from the United Kingdom, Denmark, Slovenia and Slovakia. The event was organized by the National Centre for Human Rights with the assistance of the OSCE Project Coordinator in Uzbekistan and the Central Asia office of the Friedrich Ebert Foundation.

Article 2

118. In the context of its international obligations concerning the implementation of the Convention against Torture, Uzbekistan is continuing to take legislative, administrative and other measures to prevent torture and other cruel, inhuman or degrading treatment or punishment.

119. The amendments and additions made to the criminal, criminal procedural and administrative legislation of Uzbekistan with the aim of implementing international standards and the best practices of developed countries with regard to the protection of human rights in the justice system have made a significant contribution to the prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment.

120. With regard to the strengthening of safeguards of the rights of detainees and remand prisoners, the Act of 11 July 2007 on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the transfer to the courts of the authority to order remand in custody established the procedure for the imposition by the courts of remand in custody as a preventive measure and also the judicial procedure for extending a period of remand in custody, which provides for the necessary procedural safeguards of constitutional rights and personal freedoms in criminal proceedings:

(a) Remand in custody as a preventive measure may be ordered only in respect of a detained suspect or a person formally charged with an intentional offence for which the Criminal Code prescribes a punishment of deprivation of liberty for a period of more than

three years, or an offence committed through negligence for which the Criminal Code prescribes a punishment of deprivation of liberty for a period of more than five years;

(b) Only in exceptional cases may such a preventive measure be ordered in respect of intentional offences for which the prescribed punishment is deprivation of liberty for a period of no more than three years or offences committed through negligence for which the prescribed punishment is deprivation of liberty for a period of no more than five years;

(c) Remand in custody as a preventive measure may be ordered on application by a procurator, or an investigator with a procurator's consent, in cases where another, less stringent preventive measure cannot be ordered;

(d) A list has been established of the persons who must participate in the consideration of an application for remand in custody: the procurator, the defence counsel, if any, and the detained suspect or accused person. The accused or the detained suspect must participate in the court's consideration of the application. At the same time, the adversarial principle is observed and the right of the suspect or the accused to a defence is ensured, which is an important procedural safeguard. Only where the whereabouts of the accused is unknown may the application for remand in custody be considered without his or her participation;

(e) The period of detention is strictly limited to 72 hours and may be extended by a court for a further 48 hours on application by the parties – the procurator, the detained suspect or the accused, or their defence counsel. This period is intended for the parties to submit additional evidence supporting or opposing remand in custody. No further extension of the period of detention is permitted;

(f) Provision has been made for a procedure for appealing against a judge's decision to grant or reject an application for remand in custody;

(g) The Act specifies limits on the periods for which an accused person or a suspect may be remanded in custody and the procedure for extending such period, which is an important safeguard of the legal interests of the individual.

121. Currently, remand in custody during the investigation of an offence may not exceed three months. This period may be extended by a court, on application by a procurator, to five, seven or nine months or, only in exceptional cases involving particularly complicated investigations, to one year.

122. The established procedure for repealing or amending a remand order allows a remand prisoner to be released without unnecessary formalities. There is a provision stating that, where there is no need for remand in custody, a remand order may be repealed or amended by a procurator or an investigator with a procurator's consent, provided that the court which issued the remand order is informed.

123. In 2008, procurators brought before the courts a total of 16,586 applications for remand orders against suspects and accused persons. The courts granted 16,338 of these applications and rejected 248, or 1.5 per cent.

124. In 2009, 1.1 per cent of applications were rejected. Applications for remand orders were brought mainly in cases in which persons were suspected or accused of committing serious or particularly serious offences. Of the total number of applications for remand orders brought before the courts in 2008, 78 per cent involved the commission of serious or particularly serious offences, and in 2009, 75 per cent.

125. Applications for remand orders that are filed more than 72 hours after the suspect or accused person has been taken into detention are not considered. Where individuals have permitted such applications to be filed outside the prescribed period, the courts have issued

specific rulings of violation of legality in the investigation of criminal cases. Specific rulings by the courts have been considered by the procuratorial authorities and internal affairs agencies; persons who have not complied with the time limits for bringing applications for remand orders before the courts have incurred disciplinary measures. In 2009, this helped to reduce the number of such violations by 38.5 per cent.

126. In addition, in 2008, procurators withdrew 26 applications for remand orders from the courts. In 2009, the number of applications withdrawn fell by 30.8 per cent.

127. Judicial practice has shown that, where applications for remand orders are filed without good cause, the courts reject them.

128. In 2008, periods of detention in 104 cases were extended by the courts by no more than 48 hours so that the parties could submit additional evidence supporting or opposing the application for remand in custody. In 32 of these cases, the court subsequently rejected the application.

129. Of the total number of cases in which the courts issued remand orders in 2008 and 2009, applications were made to extend the period of remand in custody in 1.5 per cent of cases in 2008 and 2 per cent of cases in 2009. In 2008, 90.1 per cent of these applications concerned persons who had committed serious or particularly serious offences, while in 2009, the figure was 96.6 per cent. A total of 98 per cent of applications in 2008 and 97 per cent in 2009 sought an extension of the period of remand in custody of an accused person to five months, and in the remaining cases to seven months. In 2008, no applications to extend a period of remand in custody were rejected by the courts, whereas in 2009, 1.1 per cent of such applications were rejected.

130. No applications to extend periods of remand in custody of accused persons to nine months or one year were filed with the courts, which shows that, in the vast majority of cases, investigations are completed by the investigative agencies within a three-month period.

Remand orders issued by the courts

	1	*2*	*3*	*4*	*5*
Period	*Number of remand orders issued by the courts*	*Number of applications for remand orders rejected by the courts*	*Number of orders to extend a period of remand in custody*	*Number of specific rulings issued by the courts*	*Number of remand orders issued in respect of minors*
2008	16 234	242	262	169	242
2009	20 593	218	438	104	221
2010	16 550	112	392	128	177
2011 (first half)	6 111	8	135	60	38

Social and legal status of persons remanded in custody in 2008 and 2009

	Nationals of Uzbekistan	*Foreign nationals*	*Persons of no fixed abode*	*Persons with previous convictions*	*Fugitives/ persons wanted by the police*
2008	97.9%	2.1%	1%	42.3%	12.9%
2009	96.2%	3.8%	1%	37%	14.4%

Outcome of appeals and protests against remand orders issued by the courts in 2008 and 2009

	Orders appealed or contested	*Orders upheld after consideration of appeals or protests*	*Orders overturned on appeal*	*Release from custody following overturn of order*
2008	5.5%	93.8%	6.2%	67.9%
2009	4.6%	89.4%	10.6%	73.7%

131. A sociological survey has shown that the introduction of habeas corpus into domestic law has increased the authority of judges and the judiciary. Of the total number of respondents, 58.9 per cent considered that the authority of judges and the judiciary had increased; 10.7 per cent considered, on the contrary, that it had decreased; 19.6 per cent considered that it had not changed; and 5.3 per cent were undecided.

132. A survey has shown that 73.2 per cent of people believe that the introduction of habeas corpus has improved the protection of the rights and freedoms of suspects and accused persons. Some 58.9 per cent of respondents noted that, in proceedings concerning decisions on remand orders, the equality of the parties is assured to a greater extent.

133. The introduction of habeas corpus has made more effective the defence by lawyers of the rights and freedoms of suspects and accused persons who are the subject of applications for remand in custody. In 2008, in 30.8 per cent of cases where the courts decided to extend a period of detention by no more than 48 hours, they subsequently rejected an application for remand in custody. In 2009, the proportion of applications for remand in custody that were rejected increased to 32.8 per cent. This shows that lawyers are more actively exercising their rights to submit to the court additional evidence opposing procurators' applications for remand in custody.

134. Lawyers appealing against remand orders handed down by judges are now using more compelling evidence to support their arguments. As a result, the number of cases in which lawyers' appeals against remand orders were upheld increased from 4.4 per cent in 2008 to 7.5 per cent in 2009.

135. The consolidation by the Supreme Court of judicial practice concerning the consideration of applications for remand in custody shows that lawyers were involved in 80 per cent of cases in which applications were considered in the period from 2008 to mid-2011. A lawyer participates in all criminal cases involving applications for remand orders concerning minors.

136. With regard to the Miranda rule, on the basis of the experience of developed countries, the following provisions were added to article 224, paragraph 1, of the Code of Criminal Procedure pursuant to an act of 31 December 2008:

> "Were it is established, directly or from eyewitness accounts, that one of the grounds for detention referred to in article 221 of the Code exists, an internal affairs officer or other competent person shall inform the suspect that he or she is being arrested on suspicion of committing an offence and shall require him or her to proceed to the nearest police station or other law enforcement agency. The internal affairs officer or other competent person shall also explain to the detainee his or her procedural rights to make a telephone call or to inform a lawyer or close relative, to have a defence counsel, and to refuse to give testimony, and shall also inform him or her that any testimony he or she gives may be used as evidence in a criminal case against him or her. The person carrying out the arrest shall identify himself or herself and, where requested to do so by the detainee, shall produce an identity document."

137. Pursuant to the new wording of articles 46 and 48 of the Code of Criminal Procedure, persons accused or suspected of a crime are entitled to make a telephone call or to inform a lawyer or close relative that they have been detained or arrested and where they are being held; to have a defence counsel from the time of their arrest or as soon as they have been informed of the decision to declare them suspects, and to meet with him or her in private, without restriction as to the number or duration of such meetings, except in the cases provided for in article 230, paragraph 2, of the Code of Criminal Procedure; to give testimony or to refuse to do so and to be informed that their testimony may be used as evidence in a criminal case against them; to conduct their own defence; and to take copies of materials and documents at their own expense.

138. With regard to conditions of detention, the Pretrial Detention during Criminal Proceedings Act, adopted on 29 September 2011, establishes a clear procedure and conditions of detention for persons arrested on suspicion of committing an offence and persons who have been remanded in custody.

139. Pursuant to article 5 of the Act, detainees are held on the basis of a record of arrest drawn up in accordance with the procedure set out in article 225 of the Code of Criminal Procedure; remand prisoners are detained on the basis of a court order for remand in custody issued in accordance with the procedure set out in the Code of Criminal Procedure.

140. Pursuant to article 8 of the Act, detainees and remand prisoners are held in the following places of detention: temporary holding facilities of the Ministry of Internal Affairs; remand centres of the National Security Service; garrison and troop guardrooms of the Armed Forces of the Republic of Uzbekistan; specially designated areas on board sea and river vessels; penal institutions; and medical institutions in the State health-care system.

141. Pursuant to article 15 of the Act, a regime is to be established in remand centres that allows detainees and remand prisoners to exercise their rights, freedoms and legal interests and perform their duties, ensures their confinement and separation, and also serves other purposes set out in the Code of Criminal Procedure. The administration and staff in remand centres are responsible for maintaining the regime and bear liability, pursuant to the Act, for non-performance or inadequate performance of their official duties.

142. The internal regulations of remand centres establish the procedure for:

- Admission of detainees and remand prisoners and allocation to cells
- Inspection of the belongings, clothing and footwear of persons entering and leaving the premises of remand centres, inspection of vehicles entering or leaving the grounds, and confiscation of prohibited foodstuffs, items and substances
- Personal searches, fingerprinting, photographing and inspection of detainees' and remand prisoners' belongings and of the cells in which they are held
- Confiscation from detainees and remand prisoners of money, securities and other valuables, foodstuffs, items and substances which they are prohibited from keeping, distributing, consuming or using, and the placement in storage of such items
- Material provision for detainees and remand prisoners
- Provision of medical care to detainees and remand prisoners
- Acquisition by remand prisoners of foodstuffs, personal necessities, textbooks, paper and stationery items
- Receipt of parcels, packages and postal wrappers of printed matter and distribution to detainees and remand prisoners
- Receipt and dispatch of correspondence by detainees and remand prisoners

- Receipt of money transfers by remand prisoners
- Daily exercise of detainees and remand prisoners
- Meetings between detainees or remand prisoners and persons listed in article 22 of the Act, and also exercise of the right of remand prisoners to limited telephone conversations
- Performance of religious rites by detainees and remand prisoners
- Participation in civil-law transactions by detainees and remand prisoners
- Participation in family life by remand prisoners
- Employment of remand prisoners
- Filing of petitions, proposals and complaints by detainees and remand prisoners
- Individual appointments held with detainees and remand prisoners by the head of the remand centre or persons authorized by him or her
- Participation in investigations and court hearings by detainees and remand prisoners
- Release of the bodies of detainees and remand prisoners who die in remand centres
- Release of detainees and remand prisoners from custody

143. The internal regulations also lay down rules of conduct for detainees and remand prisoners in remand centres, and a list of foodstuffs and personal necessities, and the quantity thereof, that detainees and remand prisoners respectively may have in their possession, store, receive in parcels, packages and postal wrappers, and acquire through non-cash transactions.

144. Article 18 of the Act sets out a full list of rights of detainees and remand prisoners, including:

- The right to receive information about their rights, freedoms and duties, the regime in remand centres, the rules of conduct, and the procedure for filing petitions, proposals and complaints
- The right to request an individual appointment with the head of the remand centre or a person authorized by him or her, and also with the officials who supervise or oversee the remand centre
- The right to file, personally or through a defence counsel or legal representative, petitions and complaints concerning the lawfulness and validity of their detention and violations of their rights, freedoms and legal interests
- The right to engage in correspondence and to have paper and stationery items at their disposal
- The right to security of person
- The right to hold meetings with a defence counsel or legal representative, relatives and other persons

145. Article 19 of the Act establishes the following procedure for the filing of petitions, proposals and complaints: detainees and remand prisoners have the right to file petitions, proposals and complaints with the remand centre administration, State bodies, clubs and associations, and community associations in their native language or another language and to receive written replies in the language of their communication, in accordance with established procedure.

146. Petitions, proposals and complaints are filed through the remand centre administration, except for communications received by officials who supervise or oversee the work of remand centres during individual appointments with detainees or remand prisoners.

147. Petitions, proposals and complaints addressed to a court, procurator, defence counsel, the Ombudsman or other State bodies that have the authority to inspect remand centres, or to the official or body competent for the criminal case, are not subject to censorship and are forwarded or passed on to the addressee under seal no later than one working day after the date of filing. Petitions, proposals and complaints addressed to other State bodies and organizations are passed on to the official or body competent for the criminal case no later than one working day after the date of filing and are reviewed by them and forwarded to the addressee within the same period. A copy of the covering letter with which the communication is forwarded to the addressee is sent to the remand centre for the information of the detainee or remand prisoner.

148. Complaints filed about the actions or decisions of a person conducting an initial inquiry or pretrial investigation are forwarded or passed on by the remand centre administration to the head of the investigation agency or procurator no later than one working day after the date of filing, and complaints about the actions or decisions of a procurator are forwarded or passed on to a higher-ranking procurator.

149. Petitions, proposals or complaints containing information that might hinder efforts to establish the truth in criminal proceedings or contribute to the commission of offences, and that is encrypted or encoded or contains State secrets or another secret protected by law, are not forwarded or passed on to the addressee but are passed on to the official or body competent for the criminal case; the detainee or remand prisoner, and the procurator, are informed accordingly in writing.

150. Detainees and remand prisoners are notified of written replies to their petitions, proposals and complaints, and of the covering letters with which they were forwarded; these must be signed for and are then placed in the inmate's personal file.

151. Any form of harassment of detainees or remand prisoners in connection with their having filed petitions or complaints about violations of their rights, freedoms or legal interests is prohibited.

152. The Act also sets out the bases and procedure for the release from custody of detainees and remand prisoners. Such persons may be released by decision of the person conducting the initial inquiry or pretrial investigation, the procurator or the courts, or on expiry of the period of detention or remand in custody set out in the Code of Criminal Procedure.

153. Detainees and remand prisoners are released from custody by the head of the remand centre immediately on the issuance of a decision ordering their release by the person conducting the initial inquiry or pretrial investigation, the procurator or the courts.

154. With regard to the strengthening of safeguards of the right to a defence and legal aid, additional legislative measures have been adopted to enhance the status of lawyers in criminal proceedings, pursuant to the Act of 31 December 2008 on amendments and additions to certain legislative acts to improve the institution of the legal profession.

155. The participation of a lawyer as a defence counsel in criminal proceedings significantly reduces the likelihood of the use of torture or other cruel or degrading treatment against a person who is the subject of criminal prosecution.

156. Pursuant to article 49 of the Code of Criminal Procedure, as amended, a defence counsel may participate in a criminal case at any stage of the proceedings and, where the

person concerned is detained, as soon as his or her right to freedom of movement is restricted.

157. Article 51 of the Code of Criminal Procedure provides that, if the suspect, accused person or defendant himself or herself or other persons acting with his or her consent do not seek the services of a defence counsel, the head of the lawyers' group designated by the local office of the Chamber of Lawyers on the basis of a decision by the person conducting the initial inquiry or pretrial investigation or the procurator, or of a court order regarding the appointment of a defence counsel, is obliged within a period of no more than four hours to secure the participation of a defence counsel in the criminal proceedings from the time when the decision or order is received by the local office of the Chamber of Lawyers.

158. Safeguards of the rights of defence counsel have been significantly strengthened by the following provisions of article 53, paragraphs 1 and 2, and article 63 of the Code of Criminal Procedure:

- The right to participate in proceedings on presentation of a lawyer's certificate and warrant conferring authority to deal with the specific case
- The right to gather and submit information that may be used as evidence
- The right to take copies of materials and documents at their own expense or to record in another form the information contained in them, using technical means
- The right to be informed of any complaints or protests filed in the case and to enter objections against them
- The right to meet with the suspect, accused person or defendant in private, without restriction as to the number or duration of such meetings and without the permission of the State bodies or officials responsible for conducting the criminal case
- The right to apply for an expert to be summoned to provide explanations

159. Pursuant to article 87 of the Code of Criminal Procedure, the defence counsel has the right to gather information that may be used as evidence by questioning individuals who have information relating to the case and obtaining written statements with their consent; and to send requests for and receive references, testimonials, explanations and other documents from State and other bodies, and also enterprises, institutions and organizations.

160. The defence counsel's application for inclusion of the material thus gathered in the case-file must be approved by the persons conducting the initial inquiry and pretrial investigation and the procurator.

161. Meetings between a detainee and a defence counsel are governed by the rules set out in article 46, paragraph 1, and article 48, paragraph 1, of the Code of Criminal Procedure.

162. The first meeting in private between a detainee and a defence counsel takes place before the first examination. A meeting between a defence counsel and a detainee who is being remanded in custody is granted subject to the deadlines for enforcement of the remand order and may be restricted to two hours by the person conducting the initial inquiry or pretrial investigation or the procurator.

163. Visits to detainees by relatives and other persons, apart from the defence counsel, shall be granted by the detention centre administration only with the written authorization of the person conducting the pretrial investigation or initial inquiry who is in possession of the case-file relating to the detention.

164. The effective exercise of all the legally established rights of lawyers participating in a case is guaranteed by article 197-1 of the Administrative Liability Code, which provides that impeding the professional activities of lawyers by failing to respond to their enquiries,

and also by influencing them in any way with the aim of impeding their participation in a case or forcing them to take positions at variance with the interests of their principals (clients), is punishable with a fine of two to five times the minimum wage.

165. On the subject of strengthening the protection of the rights of witnesses, victims, civil claimants and civil respondents, safeguards of the rights of witnesses have been considerably strengthened pursuant to article 66, paragraph 1, of the Code of Criminal Procedure: they have the right to make use of legal assistance from a lawyer; to participate with the lawyer in investigations; to give testimony in their native language if they are not proficient or not sufficiently proficient in the language in which the examination is being conducted, and in such cases to use the services of an interpreter; to challenge the interpreter taking part in the examination; to provide handwritten testimony; not to testify against themselves; to acquaint themselves with the record of the examination and make additions and amendments to it; to make use of written notes and documents when giving testimony; and to file complaints, with a view to defending their own interests, about the actions and decisions of the person conducting the initial inquiry or pretrial investigation, the procurator or the court.

166. A new article 66-1, "Counsel for witnesses", has been added to the Code of Criminal Procedure, setting out the status of the counsel for a witness as a person who is authorized, in accordance with established procedure, to uphold the rights and legal interests of a witness and provide him or her with any necessary legal assistance. Persons defending the interests of the parties to a criminal case may not be counsel for witnesses in that case. A counsel for a witness may participate in the case from the time when a summons for the witness is issued, on presentation of a lawyer's certificate and warrant.

167. A counsel for a witness has the right to know in what criminal case the person whose rights and legal interests he or she is upholding has been summoned; to participate in the examination of the witness and in other aspects of the investigation in which the witness participates and to hold brief consultations with the witness; to put questions to the witness with the permission of the person conducting the examination; to challenge, in accordance with the procedure established by law, the interpreter participating in the examination of the witness; and, when the examination is over, to file complaints about violations of the witness' rights and legal interests, which are noted in the record of the examination.

168. A counsel for a witness is obliged to provide the witness with any necessary legal assistance; not to hinder efforts to establish the truth by destroying or falsifying evidence or through witness persuasion or other unlawful acts; and to comply with procedure in the investigation of the case and during the court hearing.

169. Pursuant to article 114 of the Code of Criminal Procedure, examination of a witness or victim who has appeared with counsel takes place with the participation of the counsel. When the examination is over, the counsel may file complaints about violations of the rights and legal interests of the witness or victim, which are noted in the record of the examination.

170. Articles 55, 57 and 59 of the Code of Criminal Procedure set out the rights of victims, civil claimants and civil respondents to acquaint themselves with the case-file at the end of the pretrial investigation and copy out any necessary information from it; and to take copies of materials and documents at their own expense or record in another form the information contained in them, using technical means.

171. With a view to ensuring that all citizens have access to professional legal assistance, irrespective of their financial situation, Cabinet of Ministers Decision No. 137 on measures to improve the mechanism for the payment of legal aid fees was adopted on 20 June 2008, which improved the mechanism for the payment by the State of fees for legal assistance provided by lawyers to the poor. Pursuant to the Decision, regulations were adopted on 2

December 2008 for the State funding of legal aid provided by lawyers to suspects, accused persons and defendants.

172. With a view to ensuring access to legal assistance in all regions of the country, the Chamber of Lawyers has developed rules for determining the need for legal assistance in the relevant areas of Uzbekistan. These rules are used to determine whether it is necessary for the local offices of the Chamber of Lawyers to set up legal aid clinics in regions where the number of lawyers remains insufficient to meet the public's needs. In accordance with article 7 of the Act on the legal profession, lawyers are obliged at least once every three years to undertake further training outside the workplace, during the day only. The duration of such training for lawyers may not be less than two weeks; cases where lawyers refuse to undertake such training or to be tested on it shall be reviewed by the certification board of the relevant local office of the Chamber of Lawyers. Where a lawyer has violated the requirements of the law on the legal profession by failing to undertake further training for the preceding three years, this shall be grounds for revoking his or her licence to work as a lawyer, in accordance with the procedure established by law.

173. "Lawyer", the popular academic public law journal founded by the Chamber of Lawyers of Uzbekistan, plays a major role in informing and educating lawyers and in raising awareness of the law with a view to improving the public's legal literacy.

174. On the subject of legal regulation of the work of the pretrial investigation agencies and the courts, pursuant to article 345 of the Code of Criminal Procedure, as amended, pretrial investigations in criminal cases are carried out by the relevant investigators depending on the type of case: the procuratorial authorities, the Military Procurator's Office, the National Security Service, the internal affairs agencies, or the body that brought the case.

175. The Procurator-General of the Republic of Uzbekistan or his or her deputy is entitled, with a view to ensuring comprehensive, full and objective investigations, to transfer a criminal case by reasoned decision from one pretrial investigation agency to another, irrespective of the rules on investigative jurisdiction, in the following cases:

(a) Where the offence was previously omitted from the register by the body with investigative jurisdiction for the criminal case;

(b) Where the head of the body with investigative jurisdiction for the criminal case or a close relative of his or hers is a victim, suspect, accused person, civil claimant or civil respondent in the case;

(c) Where formal charges are brought against a person known to be innocent or where an application for remand in custody that is known to be unlawful is filed;

(d) Where torture or other cruel, inhuman or degrading treatment is used in the course of the pretrial investigation;

(e) In the event of violations of the requirements of the Code of Criminal Procedure that may adversely affect the outcome of the investigation and the adoption of a lawful decision in the case.

176. With a view to streamlining the process of exemption from criminal proceedings or terminating proceedings under an amnesty, a new chapter 63, "Amnesty at the stage of pretrial proceedings", has been added to the Code of Criminal Procedure. The chapter (arts. 587–591) sets out clear rules for the organization of amnesty by the person conducting the initial inquiry or pretrial investigation, the procurator and the courts.

177. Of particular significance were the adoption of the Forensics Act of 1 June 2010 and the additions made to the Code of Criminal Procedure, which clearly specify, inter alia, the rights and duties of experts taking part in proceedings, the requirements for experts carrying

out forensic examinations, types of forensic examinations, the procedure for repeated, commissioned and comprehensive forensic examinations, and the rules for the preparation of expert findings (arts. 67, 174–178 and 182–188 of the Code of Criminal Procedure).

178. Taking into account the general comment on article 3 of the Convention against Torture, and also paragraph 22 of the concluding observations of the Committee against Torture following consideration of the third periodic report, Uzbekistan has adopted additional legislative measures to streamline international relations on the issues of expulsion, return (refoulement) and extradition of persons to other countries.

179. A new section 14, "International cooperation in criminal proceedings", has been added to the Code of Criminal Procedure, consisting of chapter 64, "Basic regulations for cooperation by the courts, procurators, pretrial investigators and agencies conducting initial inquiries with the competent authorities of foreign States", and chapter 65, which deals with the extradition of persons for the purpose of prosecution or the enforcement of a judgement.

180. In addition, as part of efforts to liberalize and humanize criminal law, regulations governing sentencing in cases where the perpetrator of an offence actively repents, and also the conditions for exempting him or her from liability, have been incorporated into the Criminal Code.

181. Pursuant to article 66 of the Criminal Code, a person who commits a first offence that does not pose a serious risk to the public or is a less serious offence may be exempted from liability if he or she surrenders to the authorities, sincerely repents, actively helps to solve the crime and makes reparation for any injury caused. In the cases specifically referred to in the relevant article of the special part of the Code, an offender may be exempted from liability where he or she actively repents of the offence.

182. Article 241-1 of the Criminal Code, "Intentional omission of an offence from the register", is particularly important in efforts to prevent the concealment of crimes, including those involving torture. It provides that intentional omission of an offence from the register by a public servant whose official duties include the receipt, registration or review of complaints, communications and other information on offences is punishable with a fine of 50 to 100 times the minimum wage or punitive deduction of earnings for up to three years or deprivation of liberty for up to five years.

183. With a view to preventing torture more effectively, the law enforcement agencies and civil society institutions are preparing a package of bills aimed at protecting human rights in the administration of justice, taking account of the recommendations of the Committee against Torture and other United Nations treaty bodies.

184. Specifically, the following bills have been drafted and are undergoing legal, public and international analysis:

- A revised version of the Administrative Liability Code
- A bill on police operations
- A bill on the internal affairs agencies
- A bill on parliamentary oversight
- A bill on public oversight
- A bill on openness in the work of State and governmental authorities
- A bill on social partnership

185. In addition to legislative measures, other effective measures to prevent torture are also being taken in Uzbekistan.

186. For example, after the consideration of the third periodic report of Uzbekistan on the implementation of the Convention against Torture, parliamentary oversight of the implementation of the Convention was significantly strengthened. On 14 March 2008, the Foreign Policy Committee of the Senate of the Oliy Majlis, after considering the progress of implementation of the Convention against Torture, adopted a decision highlighting the need to accelerate the drafting and adoption of the bills on the internal affairs agencies and on police operations; to establish a criminal procedure mechanism for protecting the rights of detainees and remand prisoners; to adopt the National Plan of Action for the implementation of the recommendations of the Committee against Torture; and to establish an office of special ombudsman for prisons.

187. On 20 April 2011, the Senate reviewed the progress made in the fulfilment by ministries and departments of the obligations set out in the international treaties to which the Republic of Uzbekistan is a party and, in its decision on the issue, stated that, inter alia, a revised version of the Act on international treaties should be adopted; that a single mechanism for implementing the standards of international law should be established and that oversight and monitoring of their implementation should be strengthened; and that information and education work aimed at training judges and law enforcement officers to apply the standards and principles of international law should be stepped up.

188. Among the measures to prevent torture and other crimes, particular importance is attached to improving the work of key ministries and departments, establishing and supporting national institutions that monitor the implementation of national and international laws governing human rights protection, and encouraging the activities of political parties, non-governmental non-profit organizations, and clubs and associations with regard to oversight of the work of State bodies, including the military and security forces.

189. On 23 June 2008, the Supreme Court Research Centre on the Democratization and Liberalization of Judicial Legislation and the Independence of the Judicial System was established by a presidential decision. The Centre is an independent establishment for information analysis and advice, and its main purposes are, inter alia: to analyse and consolidate the legislative basis for the work of the judiciary and the effective implementation of the constitutional provisions that specify the functions of the judicial system, and also to study and consolidate law enforcement and judicial practice aimed at upholding the rule of law; and to develop measures for further liberalization of the system of criminal and administrative penalties and the democratization of judicial, criminal procedural, civil procedural and economic procedural legislation and judicial proceedings.

190. On 30 September 2008, pursuant to the Cabinet of Ministers Decision on a set of measures for State support for national human rights institutions, measures were adopted to upgrade the equipment and resources of the Ombudsman and the National Centre for Human Rights and to create conditions consistent with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights.

191. On 26 January 2011, pursuant to a Cabinet of Ministers Decision on additional measures to implement the United Nations Millennium Development Goals in Uzbekistan, a working group was established, consisting of representatives of the country's main ministries and departments, to carry out ongoing monitoring of progress in the implementation of the set of additional measures and to coordinate efforts to implement the Millennium Development Goals, with annual progress reports to Parliament.

192. On 4 May 2011, a Presidential Decree was adopted on measures to further improve the work of the Institute for the Monitoring of Current Legislation attached to the Office of the President, which significantly expanded the Institute's work with regard to the

monitoring not only of legislation but also of the work of the State authorities, and with regard to the development of proposals to help them operate more effectively.

193. With a view to building the capacity of civil society institutions with regard to social partnership with government and the implementation of legislation on public scrutiny and monitoring of the work of State bodies, including the military and security forces, and pursuant to a Presidential Decision of 12 June 2011 on measures to support the Independent Institute for Monitoring of the Development of Civil Society, the Institute for the Study of Civil Society was renamed the Independent Institute for Monitoring of the Development of Civil Society and was given the tasks of drawing up proposals for the further development of civil institutions, the expansion of their role in human rights protection, and public scrutiny of the work of government.

194. On 23 August 2011 a Presidential Decision on measures to further improve the work of the Ministry of Justice was adopted with a view to specifying the legal and regulatory basis for the main areas of the Ministry's work and adopting regulations for judicial monitoring and oversight of compliance with the law in the work of State bodies; regulations for the State registration of non-governmental non-profit organizations, the accreditation procedure for foreign staff of such organizations and the registration of symbols of such organizations; and new regulations for the interdepartmental working group for monitoring the protection of human rights and freedoms by the law enforcement agencies and other government bodies.

195. As part of efforts to implement the United Nations Convention against Corruption, work has begun not only on studying the Convention's provisions but also on developing a national plan of action to combat corruption. On 6 and 7 July 2010, the Procurator-General's Office, together with the United Nations Office on Drugs and Crime (UNODC), held an international workshop on the implementation of the United Nations Convention against Corruption in domestic law and practice, and best practices in the development, adoption and implementation of national anti-corruption strategies and action plans; and on 9 September 2011, the Defence and Security Committee of the Legislative Chamber of the Oliy Majlis held a round table on the subject of developing the legal basis for combating corruption: national and international experience.

196. On 26 December 2011, a round table was held in the Legislative Chamber of the Oliy Majlis for discussion of the fourth periodic report of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

197. The Ministry of Justice, together with the Ministry of Foreign Affairs, the National Centre for Human Rights, the Procurator-General's Office and the Ministry of Internal Affairs, has carefully considered the recommendation of the Committee against Torture and other United Nations treaty bodies that Uzbekistan should ratify the Optional Protocol to the Convention against Torture, the Rome Statute of the International Criminal Court, and the Convention relating to the Status of Refugees and the Protocol thereto.

198. Having studied the provisions of the aforementioned international instruments and the experience of other countries in implementing them, and taking into account the large number of international human rights obligations entered into by Uzbekistan as part of its implementation of 70 international legal instruments ratified by Parliament but not yet fully implemented in domestic law and the law enforcement practice of State bodies, the working group studying this issue has concluded that it is premature for Uzbekistan to accede to the aforementioned international instruments.

199. The Ministry of Foreign Affairs works on an ongoing basis to respond to queries from the United Nations treaty bodies and the special procedures of the Human Rights Council, providing comprehensive information on criminal cases concerning individual

Uzbek citizens, including the outcome of investigations concerning charges laid. In 2009, the Ministry responded to 5 queries from the Human Rights Committee concerning 11 Uzbek citizens and also 10 queries from special procedures of the Human Rights Council concerning 39 Uzbek citizens. In 2011 it responded to 11 queries from the Human Rights Committee.

Articles 3, 8 and 9

200. The Republic of Uzbekistan pursues a policy of prohibiting the expulsion, return (refoulement) and extradition of persons to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture.

201. In order to specify clearly the rules for international cooperation on these issues, a new section 14, "International cooperation in criminal proceedings", was added to the Code of Criminal Procedure on 28 September 2010. Issues relating to the extradition of persons who have committed an offence under article 235 of the Criminal Code are dealt with in accordance with the procedure set out in the aforementioned section of the Code of Criminal Procedure.

202. Articles 592–598 of the Code of Criminal Procedure set out the general procedure for cooperation by the courts, procurators, pretrial investigators and agencies conducting initial inquiries with the competent authorities of foreign States, in accordance with the international treaties to which the Republic of Uzbekistan is a party or on the basis of the principle of reciprocity.

203. The Republic of Uzbekistan has concluded a number of bilateral international treaties on cooperation in the provision of legal assistance in various types of cases, with the Republic of Turkey (23 June 1994); the Republic of Latvia (23 May 1996); the Republic of Lithuania (20 February 1997); the People's Republic of China (11 December 1997); the Republic of India (2 May 2000); the Czech Republic (18 January 2002); the Republic of Korea (25 April 2004); and the Republic of Bulgaria (30 April 2004); between the Procurator-General's Office of the Republic of Uzbekistan and the Procurator-General's Office of the Kyrgyz Republic (3 October 2006); between the Government of the Republic of Uzbekistan and the Government of the Islamic Republic of Pakistan (14 March 2007); and between the Procurator-General's Office of the Republic of Uzbekistan and the Procurator-General's Office of the Republic of Azerbaijan (27 September 2010).

204. Uzbekistan has concluded the following multilateral international treaties relating to the extradition of persons who have committed an offence, including under article 235 of the Criminal Code:

(a) On 22 January 1993 in Minsk, the Republic of Uzbekistan signed the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, amended on 28 March 1997, which was also signed by the Russian Federation, Armenia, Belarus, Tajikistan, Kazakhstan, Turkmenistan, Kyrgyzstan, Ukraine and Moldova;

(b) On 22 January 1993, the Republic of Uzbekistan signed the Protocol to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters.

205. All the aforementioned international legal instruments are concerned with international cooperation in searching for evidence and conducting investigations and trials relating to prosecutions for torture under the treaty on mutual legal assistance.

206. In accordance with section 14 of the Code of Criminal Procedure, the extradition of persons to foreign States is handled by the Procurator-General of the Republic of Uzbekistan.

207. Chapter 65 of the Code of Criminal Procedure directly regulates the extradition of persons for the purpose of prosecution or the enforcement of a judgement (arts. 599–609).

208. In accordance with article 600 of the Code of Criminal Procedure, a person extradited to Uzbekistan by a foreign State may not, without the consent of the sending State, be prosecuted, punished or handed over to a third State for an offence committed by him or her prior to extradition that was not the grounds for the extradition. The consent of the foreign State is not required:

(a) Where the person extradited by that State has not left the territory of Uzbekistan within one month of termination of the criminal case or, in the event of conviction, within one month of completing his or her sentence or of being discharged on any legal grounds. This period does not include time during which the extradited person was unable to leave Uzbekistan owing to circumstances beyond his or her control;

(b) Where the person extradited by that State has left the territory of Uzbekistan but has subsequently returned voluntarily.

209. The authority that issues the final decision in a criminal case against a person extradited by a foreign State forwards a copy of the decision to the Procurator-General's Office of Uzbekistan, which informs the competent authority of the foreign State in writing of the outcome of the criminal case against the extradited person. The competent authority of the foreign State may also, on request, be sent a copy of the final decision in the case.

210. Article 601 of the Code of Criminal Procedure clearly specifies the procedure for responding to a request to extradite a person situated in Uzbekistan.

211. A person situated in Uzbekistan may be extradited in the following cases:

(a) If the act committed by that person is punishable under the Criminal Code of Uzbekistan with deprivation of liberty for at least 1 year or a more severe penalty, where the purpose of extradition is criminal prosecution;

(b) If the person whose extradition is sought has been sentenced to deprivation of liberty for at least 6 months or a more severe penalty;

(c) Where the foreign State requesting extradition guarantees that the person whose extradition it is requesting will be prosecuted only for the offence referred to in the request and, after the trial has ended and the sentence has been served, will be free to leave the territory of that State and will also not be deported, handed over or extradited to a third State without Uzbekistan's consent, or subjected to torture, violence or other cruel, humiliating or degrading treatment, or be subject to the death penalty.

212. Decisions to extradite persons situated in Uzbekistan are issued by the Procurator-General or his or her deputy. Where two or more States request extradition of the same person, the Procurator-General decides to which State the person will be extradited. The Procurator-General's Office notifies the person in question of the decision issued in writing within 24 hours and explains that he or she has the right to appeal against the decision under article 602 of the Code of Criminal Procedure.

213. A decision to extradite a person situated in Uzbekistan enters into force 10 days after the person in question has been notified in writing. In the event of an appeal against the decision, extradition does not take place until a final court ruling has been issued.

214. Once the deadline for appealing against a decision to extradite a person situated in Uzbekistan has expired or a final court ruling has been issued, the Procurator-General's

Office forwards the decision or the court ruling to the Ministry of Internal Affairs for execution.

215. Article 602 of the Code of Criminal Procedure provides for appeals against decisions to extradite persons situated in Uzbekistan.

216. A decision by the Procurator-General or his or her deputy to extradite a person situated in Uzbekistan may be appealed by that person or his or her defence counsel before the Supreme Criminal Court of the Republic of Qoraqalpog'iston, a provincial criminal court or the Tashkent city criminal court, depending on where the person sought is being held on remand, within 10 days of receiving written notification.

217. On receiving an appeal, the administration of the remand centre where the person in question is being held files the appeal with the court without delay and informs the Procurator-General's Office in writing accordingly.

218. Within three days of receiving written notification, the Procurator-General's Office submits to the court evidence of the lawfulness and validity of the decision to extradite the person situated in Uzbekistan.

219. An appeal against a decision of the Procurator-General or his or her deputy to extradite a person situated in Uzbekistan is heard, within 10 days of the court's receiving it, by three judges at a public hearing attended by a procurator, the person who is the subject of the extradition decision and his or her defence counsel, if any.

220. The court's ruling becomes final once the deadline for appealing or contesting it has expired. Once issued, the ruling is immediately forwarded to a procurator, the person who is the subject of the extradition decision and his or her defence counsel, if any. The court's ruling may be appealed or contested before the Supreme Court of Uzbekistan within 10 days of being issued.

221. An appeal or protest is filed through the court that issued the ruling, which is obliged to forward it within three days, together with the case-file, to the Supreme Court of Uzbekistan and to inform the Procurator-General's Office accordingly in writing.

222. The appeal or protest is considered by the Supreme Court within 10 days of receipt.

223. Once the Supreme Court has considered the appeal or protest, it issues one of the following rulings:

(a) It upholds the court ruling and rejects the appeal or protest;

(b) It overturns the court ruling.

224. The appeal court ruling becomes final as soon as it is issued and must be executed immediately. It is forwarded to a procurator, who arranges for it to be executed, and to the person who is the subject of the extradition decision and his or her defence counsel, if any, for information.

225. Pursuant to article 603 of the Code of Criminal Procedure, extradition of a person situated in Uzbekistan to a foreign State is not permitted:

(a) Where the person sought is a national of Uzbekistan;

(b) Where the offence in connection with which extradition is sought was committed on Uzbek territory or against Uzbek interests outside Uzbek territory;

(c) Where a final sentence or court ruling or unrevoked decision of an authorized official not to institute criminal proceedings or to terminate them is in place in Uzbekistan in respect of the person sought and for the same act;

(d) Where the request is made on the grounds of an act that is not an offence under Uzbek law;

(e) Where, under Uzbek law, criminal proceedings may not be brought or must be terminated, or a sentence cannot be executed, owing to expiry of the statute of limitations or on other legal grounds;

(f) Where the person sought is prosecuted for the same act in Uzbekistan;

(g) Where the person sought has been granted asylum in Uzbekistan because of the possibility of persecution in the requesting State for reasons of race, religion, citizenship, ethnicity, membership of a particular social group or political opinion.

226. Extradition of a person situated in Uzbekistan for the purpose of executing a sentence handed down against that person in his or her absence may be refused if there are grounds to believe that the convicted person did not have sufficient opportunity to exercise his or her right to a defence. The person is extradited if the foreign State requesting extradition guarantees the convicted person the right to be retried in his or her presence.

227. Where a person situated in Uzbekistan is not extradited, the Procurator-General's Office of Uzbekistan informs the competent authority of the foreign State accordingly in writing, stating the grounds for refusal.

228. Article 607 of the Code of Criminal Procedure specifies the procedure for handing over a person who is being extradited from Uzbekistan.

229. The Ministry of Internal Affairs informs the competent authority of the foreign State in writing of the place, date and time of handover of the person being extradited. If the person is not received within 15 days of the specified handover date, he or she is released from custody.

230. Where the competent authority of the foreign State is unable to receive the person being extradited owing to circumstances beyond its control and informs the Procurator-General's Office of Uzbekistan accordingly in writing, the handover date may be deferred. Likewise, the handover date may be deferred where the competent authority in Uzbekistan is unable to hand over the person being extradited owing to circumstances beyond its control.

231. According to information from the Procurator-General's Office, the competent authorities received no requests for legal assistance or extradition connected with prosecutions for offences under article 235 of the Criminal Code during the period 2008–2010 and the first half of 2011; nor were any similar requests received from foreign States.

232. During the period 2008–2010 and the first nine months of 2011, the Procurator-General's Office, pursuant to requests from the competent authorities of foreign States, extradited a total of 45 persons who were wanted for prosecution or for the execution of court judgements: 9 in 2008, 11 in 2009, 14 in 2010 and 11 in the first nine months of 2011.

233. None of the individuals extradited from Uzbekistan were wanted for offences involving the use of torture or other cruel, inhuman or degrading treatment or punishment.

234. On the basis of requests from the Procurator-General's Office, the competent authorities of foreign States have extradited a total of 1,449 wanted persons (249 in 2008, 443 in 2009, 469 in 2010 and 288 in the first nine months of 2011), including 1 person in 2010 who was wanted for an offence under article 235 of the Criminal Code: Dilshod Aktamovich Makhmudov, an officer in the criminal investigation department of the city of Kattaqo'rg'on internal affairs agency, who was wanted by the procurator's office of Khatyrchi district, Navoiy province, for offences under articles 205, paragraph 2 (c), 206, paragraph 2 (c), 235, paragraph 3, and 273, paragraph 5, of the Criminal Code, was arrested

on 4 September 2009 in St. Petersburg, delivered to Uzbekistan at the request of the Procurator-General's Office on 4 March 2010, convicted on 8 June 2010 by the Karmana district criminal court of offences under articles 206, paragraph 2 (c), 235, paragraph 3, and 273, paragraph 5, of the Criminal Code, and sentenced to deprivation of liberty for 9 years.

235. With regard to paragraph 2.2 of the observations of the Committee against Torture, analysis has shown that, since the Office of the United Nations High Commissioner for Refugees (UNHCR) opened an office in Uzbekistan in 1993, its main tasks have been to organize the repatriation of Tajik refugees from Afghanistan and Turkmenistan and to provide humanitarian assistance to Afghanistan. Although Uzbekistan has not acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, it has fully supported and assisted the UNHCR office in Tashkent in the performance of its functions.

236. During the period 1993–1997, UNHCR repatriated over 17,000 Tajik refugees from Afghanistan through Uzbekistan to Tajikistan, and between January 1998 and May 1999, over 4,500 Tajik refugees from Turkmenistan to Tajikistan. UNHCR headquarters provided humanitarian assistance to Afghanistan during the period 2001–2004, when cargoes worth just over US$ 4 million were rerouted over the Hairaton bridge. Since 2005, UNHCR has not used Uzbek territory to provide humanitarian assistance to Afghanistan.

237. Stabilization of the situation in Tajikistan and the cessation of hostilities in Afghanistan facilitated the conclusion of the active phase of UNHCR operations in Uzbekistan, which ceased in April 2006.

238. According to data provided by the Ministry of Foreign Affairs and the Ministry of Internal Affairs, 271 recognized refugees were resident in Uzbekistan as at 10 June 2011; the UNDP office in Uzbekistan is responsible for safeguarding their interests. Of these, 87 have already been accepted for resettlement in third countries.

239. The strengthening of international cooperation to provide humanitarian assistance to temporarily displaced persons, including children and their families, with a view to their voluntary and safe return to their homes, is characteristic of Uzbekistan's peace-loving tradition. This tradition was most clearly in evidence during the tragic events of 11–15 June 2010 in southern Kyrgyzstan, as a result of which around 100,000 people were temporarily received and housed in Andijon, Namangan and Farg'ona provinces in Uzbekistan.

240. The victims were provided with the necessary assistance by the Government of Uzbekistan, companies and institutions, community organizations and the public. Camps were set up in border districts for temporarily displaced persons from Kyrgyzstan. They were provided with free medical care and counselling. They were also provided with tents, blankets, clothing, food and everyday items.

241. The Government of Uzbekistan provided the victims with humanitarian aid worth a total of 4,034,412,900 sum. In addition, national organizations and companies contributed more than 3.1 billion sum for this purpose, and significant assistance was provided by the Uzbek public.

242. Humanitarian cargoes worth a total of US$ 3,926,600 were received from abroad in the regions of Uzbekistan where the temporarily displaced persons were situated: the United Nations provided aid worth US$ 1,337,900; the International Red Cross and Red Crescent Movement US$ 636,000; UNICEF US$ 67,000; Medical Teams International US$ 64,400; and Médecins Sans Frontières US$ 41,800. Aid to the victims of the tragic events in southern Kyrgyzstan was also provided by the Russian Federation (US$ 1,280,500), China (US$ 438,000) and Georgia (US$ 60,900).

243. The international humanitarian aid received in Uzbekistan included a total of 35 tons of medicines, all of which was used to meet the needs of ill and traumatized people. Of the

168.6 tons of food received, 91.8 tons was distributed among those temporarily displaced from Kyrgyzstan and the remaining 76.8 tons was passed on to Kyrgyzstan.

244. A total of 621.4 tons of non-food items, such as tents, blankets, utensils, canisters, generators and clothing, was sent by donors. Of this amount, 169.8 tons was used while the camps for the temporarily displaced were in operation. The remaining 451.6 tons was also passed on to Kyrgyzstan by Uzbekistan.

245. Uzbekistan attaches particular importance to cooperation with international organizations, in particular ICRC, on information and education activities relating to the protection of refugees' rights.

246. On 30 June 2009, the Red Crescent Society of Uzbekistan held a conference on current Uzbek law relating to present-day humanitarian needs, as it affects the work of the Red Crescent Society of Uzbekistan: analysis and proposals. On 12 August 2009, a round table, organized by the ICRC regional delegation for Central Asia, was held to mark the sixtieth anniversary of the 1949 Geneva Conventions. From 10 to 12 November 2009, an international forum on humanitarian law and current challenges was held in Astana, organized by the L.N. Gumilev Eurasian National University and ICRC and attended by representatives of Uzbekistan. From 13 to 17 December 2010, an academic and practical workshop on the theory and practice of teaching humanitarian law in Central Asia was held in Tashkent, organized by ICRC and the Tashkent State Institute of Law. The workshop was attended by Mr. Yves Arnoldy, head of the ICRC regional delegation for Central Asia, Mr. Glenn Gilbertson, also from the ICRC regional delegation, teachers of international humanitarian law from Uzbekistan, Kazakhstan, Kyrgyzstan and Tajikistan, and also Dr. Maria Teresa Dutli, legal adviser to the ICRC regional delegation for the Russian Federation, Belarus, Ukraine and Moldova.

247. Research has been carried out with regard to implementing paragraph 22 of the recommendations of the Committee against Torture, in which the Committee encourages Uzbekistan to accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. The outcome is set out below.

248. Pursuant to the 1951 Convention relating to the Status of Refugees, contracting States are obliged to grant refugees the same rights and opportunities as are granted to their own nationals with respect to, inter alia, employment, the practice of liberal professions, the provision of food, housing, free education, social security and labour protection. States that accede to the Convention undertake to cooperate with UNHCR, to report to it regularly on the condition of refugees, to provide the necessary information, to bring their legislation into line with the Convention and to create the infrastructure necessary to safeguard the rights of refugees.

Article 5

249. Under Uzbek criminal law, a person who has committed an offence in Uzbekistan, including under article 235 of the Criminal Code, is subject to prosecution under the Criminal Code; in other words, Uzbekistan has taken the necessary legislative measures to establish its jurisdiction over the offences referred to in article 235 of the Criminal Code.

250. Under article 11 of the Criminal Code, a person who has committed an offence in Uzbekistan is subject to prosecution under the Criminal Code.

251. An offence committed in Uzbekistan should be recognized as such if:

(a) It is begun, completed or interrupted on the territory of Uzbekistan;

(b) It is committed outside Uzbekistan but has criminal consequences in Uzbekistan;

(c) It is committed on the territory of Uzbekistan but has criminal consequences outside Uzbekistan;

(d) It constitutes an offence committed partly on the territory of Uzbekistan, either taken as a whole or taken in conjunction with other acts.

252. Where a crime is committed on an aircraft, sea vessel or river vessel located outside the borders of Uzbekistan and not on the territory of a foreign State, liability arises under the Criminal Code if the aircraft or vessel is operating under the flag of Uzbekistan or is registered in a port in Uzbekistan.

253. The liability of foreign nationals who commit a crime on the territory of Uzbekistan but who, pursuant to the law in force or international treaties or agreements, do not fall within the jurisdiction of the Uzbek courts, shall be determined in accordance with the norms of international law.

254. Pursuant to article 12 of the Criminal Code, nationals of Uzbekistan and stateless persons permanently resident in Uzbekistan who commit a crime on the territory of another State are liable under the Criminal Code if no penalty is imposed on them by a verdict of the courts of the State in which the crime was committed.

255. No national of Uzbekistan may be extradited for an offence committed in a foreign State except where international treaties or agreements provide otherwise.

256. Foreign nationals and stateless persons not permanently resident in Uzbekistan are liable under the Criminal Code for crimes committed outside Uzbekistan only in the cases provided for in international treaties or agreements.

257. Pursuant to article 13 of the Criminal Code, the definition of and penalty for an offence is determined by the law in force at the time the offence was committed. The time of commission of an offence is considered to be the time when the act that poses a danger to others is carried out, where the relevant article of the Criminal Code states that the offence is completed at the time of completion of the act or omission. The time of commission of an offence is considered to be the time when the offence produces criminal consequences, where the relevant article of the Criminal Code states that the offence is completed at the time when such consequences are produced.

258. A law that decriminalizes an act, reduces the punishment or otherwise improves the situation of the person concerned has retroactive effect; that is, it applies to persons who committed the acts in question before the entry into force of such law, including persons who are serving or have served a sentence but whose criminal record has not been expunged.

259. A law that criminalizes an act, increases the punishment or otherwise worsens the situation of the person concerned does not have retroactive effect.

Articles 6 and 12

260. In Uzbekistan, the procedure for considering complaints, communications and other information concerning crimes, including torture and other forms of ill-treatment, is established by law.

261. Pursuant to article 329 of the Code of Criminal Procedure, complaints, communications and other information concerning crimes must be registered and addressed without delay, and, where necessary, steps are taken, directly or with the assistance of the

agencies responsible for initial inquiries, to verify within 10 days whether there are sufficient and lawful grounds for instituting criminal proceedings. This period commences at the time of receipt of complaints, communications or other information concerning the crime and ends when a decision is taken to institute proceedings or not to do so, or when the initial inquiry file is submitted to a procurator in accordance with article 587 of the Code.

262. The initial inquiry, during which additional documents and explanations may be required, persons detained, the crime scene inspected and forensic examination carried out, takes place within the period referred to in article 329, paragraph 1. No other investigative operations may be conducted during the initial inquiry.

263. In exceptional cases, the initial inquiry period may be extended to one month by a procurator on the basis of a reasoned decision issued by a person conducting an initial inquiry or pretrial investigation, in one of the following circumstances:

(a) Where a forensic examination, official investigation, document audit or other time-consuming check is ordered;

(b) Where explanations are required from persons who are situated in remote localities or who decline to appear when summoned;

(c) Where new facts are discovered that require additional verification before a decision can be taken.

264. Whenever information concerning a crime is received or directly discovered, the person conducting the initial inquiry or pretrial investigation, the procurator or the court takes one of the following decisions:

(a) To institute criminal proceedings;

(b) Not to institute proceedings;

(c) To refer the complaint or communication to the appropriate investigative jurisdiction.

265. Pursuant to the Act of 22 September 2008 on amendments and additions to certain legislative acts of the Republic of Uzbekistan, article 241-1 was added to the Criminal Code. It provides that intentional omission of an offence from the register by a public servant whose official duties include the receipt, registration or review of complaints, communications and other information on offences is punishable with a fine of 50 to 100 times the minimum wage or punitive deduction of earnings for up to three years or deprivation of liberty for up to 5 years.

266. Pretrial investigations in cases concerning offences referred to in article 235 of the Criminal Code are conducted by investigators from the procuratorial authorities; in cases concerning offences committed by military personnel, they are conducted by military procuratorial investigators. The use of torture and other cruel, inhuman or degrading treatment during a pretrial investigation constitutes grounds for the Procurator-General or his or her deputy to transfer the criminal case from one pretrial investigation agency to another, irrespective of the rules on investigative jurisdiction (article 345 of the Code of Criminal Procedure).

267. In Uzbekistan, complaints of the use of torture and other prohibited methods by all law enforcement officers are reviewed by the procuratorial authorities and also by the special units, or staff inspectorates, of those agencies whose officers are the subject of the complaint.

268. Representatives of the Ombudsman and the National Centre for Human Rights, with whom the Procurator-General’s Office signed an agreement in 2008, are actively involved

in reviewing complaints of torture and unlawful treatment of persons held in temporary holding facilities.

269. With a view to providing a timely response to reports from citizens of the use of torture, 485 telephone helplines have been set up in police stations of Ministry of Internal Affairs units and in all internal affairs agencies pursuant to Order No. 26 of the Minister of Internal Affairs of 24 February 2010. Posters indicating the internal affairs agencies' helpline numbers have been produced and displayed in public places. Rooms for receiving members of the public have been set up and provided with appropriate equipment, and schedules have been drawn up specifying times at which senior officials of the internal affairs agencies will receive members of the public.

270. With a view to ensuring that the public has free access to the necessary information regarding the work of the internal affairs agencies, the Ministry of Internal Affairs has launched its own website, on which it posts news about the work of the internal affairs agencies, press releases and articles on measures being taken, the Ministry's structure, contact details for the internal affairs agencies, including the telephone helplines, sections on frequently asked questions, wanted persons and feedback, and the schedule for reception of members of the public by senior Ministry officials. The site also allows the public to file complaints and to obtain information in the form of videos and links to the sites of other State bodies.

271. Verification of complaints of torture and other prohibited methods of treatment of convicted prisoners is, in accordance with their mandate, one of the tasks of special staff inspectorates, which are subordinate to the Minister of Internal Affairs.

272. Following the adoption and entry into force of the Act on amendments and additions to certain legislative acts to improve the institution of the legal profession, the Procurator-General's Office, the Ministry of Internal Affairs, the National Security Service, the State Customs Committee and the Ministry of Justice prepared and signed joint instructions on ensuring the enforcement of the Act.

Articles 7, 14 and 15

273. The State is taking consistent steps to prevent the admission of evidence obtained through the use of torture; such evidence may not be used in any trial.

274. Any person accused of committing a crime is considered innocent until lawfully proven guilty in an open trial that affords the accused every opportunity for defence (article 26 of the Constitution).

275. A conviction may not be based on conjecture and may be handed down only if the defendant has been proved guilty in court of committing the crime. The conviction must be based on credible evidence obtained by reviewing all the possible circumstances surrounding the crime, filling any gaps found in the case-file and eliminating any doubts and inconsistencies that may arise.

276. Pursuant to article 88 of the Code of Criminal Procedure, the rights and legal interests of individuals, enterprises, institutions and organizations must be upheld during the collection, verification and evaluation of evidence.

277. In obtaining evidence, it is prohibited:

(a) To perform acts that endanger human life or health or that humiliate or demean;

(b) To solicit testimony, explanations or conclusions, to perform experiments, or to prepare and circulate documents or objects using violence, threats, deception or other unlawful means;

(c) To conduct investigative operations at night, i.e. between 10 p.m. and 6 a.m., except where it is necessary to do so in order to stop the preparation or commission of an offence, to prevent possible loss of evidence of an offence or the flight of a suspect, or to stage a re-enactment, for experimental purposes, of an incident that is being investigated.

278. Persons conducting an initial inquiry or pretrial investigation, procurators, judges or other persons involved in a case as specialists or experts, with the exception of doctors, may not be present during body searches of persons of the opposite sex performed in the course of investigative or judicial proceedings.

279. Pursuant to article 94 of the Code of Criminal Procedure, a decision in a case may be based only on evidence that has been subjected to thorough, full, comprehensive and objective verification. Verification consists in the collection of additional evidence that corroborates or disproves the evidence being verified.

280. Persons conducting an initial inquiry or pretrial investigation, procurators and judges evaluate evidence in accordance with their inner conviction, which is based on thorough, full, comprehensive and objective examination of all the circumstances of the case, and are guided by the law and their legal conscience. Each piece of evidence is evaluated from the point of view of relevance, admissibility and credibility.

281. Evidence is admissible if it is gathered in accordance with established procedure and meets the requirements of articles 88, 90 and 92–94 of the Code of Criminal Procedure.

282. The plenum of the Supreme Court, the highest body of the judiciary for general jurisdiction, on 19 December 2003 publicly and officially condemned torture in criminal proceedings. The decision it adopted on the application by the courts of laws safeguarding the right of suspects and accused persons to a defence drew the attention of the agencies responsible for conducting initial inquiries and pretrial investigations and of the courts to the need for strict observance of both international law and national law relating to human rights in their handling of criminal cases, in particular in respect of the right to freedom and the inviolability of the person.

283. The plenum's decision establishes that the use of torture, violence and other cruel or degrading treatment during the collection, verification and assessment of evidence is prohibited.

284. The plenum noted that charges cannot be based on evidence obtained through the use of torture, violence, threats, deception, other cruel or degrading treatment or other illegal means, or in breach of the right of a suspect or accused person to a defence. Persons conducting initial inquiries or pretrial investigations, procurators and judges must always ask individuals brought before them from remand centres about their treatment during the initial inquiry and pretrial investigation and must also ask about the conditions in which they have been held. Any report of torture or other illegal methods of inquiry or investigation must be thoroughly checked by forensic examination and other means, and procedural and other legal action must be taken on the findings, up to and including the institution of criminal proceedings against officials (paragraph 19 of the decision).

285. The decision adopted by the plenum of the Supreme Court on 24 September 2004 on certain issues arising in the application of criminal procedural law relating to the admissibility of evidence provides that evidence obtained by a person conducting an initial inquiry or pretrial investigation, a procurator or a judge who, for whatever reason, deviates from strict observance of and compliance with the rules of law, is to be considered inadmissible. The plenum drew courts' attention to the need to respond to any violations of

the procedural law governing the collection of evidence by adopting specific rulings on the matter and, where necessary, determining whether to bring criminal proceedings against the guilty parties.

286. The Supreme Court of the Republic of Uzbekistan consolidated judicial practice in criminal cases brought and considered under article 235 of the Criminal Code, as a result of which the plenum of the Supreme Court adopted a decision on judicial practice in the hearing of criminal cases involving the use of torture and other cruel, inhuman or degrading treatment or punishment referred to in article 235 of the Criminal Code of the Republic of Uzbekistan. The decision stated that courts must respond by adopting specific rulings in respect of law enforcement officers who have violated the law.

287. According to data from the Supreme Court, in 2008 the criminal courts heard 5 cases against persons who had committed torture, and 13 internal affairs officers were convicted, 1 of whom was a member of staff of the prison system. The courts sentenced 12 individuals to deprivation of liberty for between 5 and 17 years, with forfeiture of the right to occupy certain posts for up to 3 years, and 1 person was granted an amnesty.

288. In 2009, the courts heard 9 criminal cases under article 235 of the Criminal Code involving 15 individuals, 14 of whom were internal affairs officers and 1 of whom was a military procuratorial investigator. A total of 12 individuals were sentenced to deprivation of liberty for between 3 and 15 years, with forfeiture of the right to occupy certain posts for up to 3 years; 1 person was given a suspended sentence of deprivation of liberty; and 2 were granted an amnesty.

289. In 2010, the courts heard 8 criminal cases involving 10 individuals who had committed an offence under article 235 of the Criminal Code, 9 of whom were internal affairs officers and 1 of whom was a member of staff of the prison system. A total of 6 individuals were sentenced to deprivation of liberty for between 3 and 14 years, with forfeiture of the right to occupy certain posts for up to 3 years; 1 was sentenced to punitive deduction of earnings for 2 years and a fine of 305 times the minimum wage, with forfeiture of the right to occupy certain posts for up to 3 years; 1 was granted an amnesty; and, in respect of 2 individuals, the criminal case was referred by the courts for further investigation.

290. In the first nine months of 2011, the courts heard 7 criminal cases under article 235 of the Criminal Code involving 12 individuals, 6 of whom were internal affairs officers; 4 were customs officers; 1 was a member of staff of the prison system; and 1 was a procuratorial investigator. The courts sentenced one person to deprivation of liberty; two were given suspended sentences of deprivation of liberty; and five were granted an amnesty, one of whom was a woman.

291. As part of efforts to implement paragraph 17 of the observations of the Committee against Torture, targeted measures are being taken to strengthen the independence and effectiveness of the judiciary.

292. The Constitution of the Republic of Uzbekistan and the Courts Act establish the basic principles and rules for the work of the judiciary.

293. The judiciary in Uzbekistan operates independently of the legislature, the executive, political parties and other community associations.

294. Judges are independent and subject solely to the law. Any interference in the work of judges in administering justice is inadmissible and punishable by law.

295. The immunity of judges is guaranteed by law.

296. Judges may not be senators or members of the representative bodies of State power. They may not belong to any political party, participate in political movements, or engage in any type of paid activity other than academic and educational work.

297. Judges may be removed from their posts prior to the end of their terms of office only on the grounds specified by law.

298. The independence of the courts is guaranteed by:

- A prohibition on combining judicial functions with any other procedural functions in their work
- The right to disqualify or recuse judges
- A prohibition on the imposition of outside opinions on the court
- A prohibition on the use of formal criteria to evaluate evidence in criminal proceedings
- Transparency of court proceedings
- Participation of people's assessors among the representatives of the people in criminal cases
- Official judicial immunity
- Personal immunity of judges, which covers their homes, offices, the transport and means of communication that they use, their correspondence, and articles and documents belonging to them

299. In Uzbekistan, the Association of Judges represents judges' interests. Its main purpose is to ensure that the judiciary is genuinely independent, to participate in the drafting of legislation, and to give Parliament every possible assistance in the preparation of bills on justice-related issues.

300. At an expanded meeting of the Academic Coordination Council for Research attached to the National Centre for Human Rights, held on 31 January 2011, on the subject of further democratization of the judicial and legal system in Uzbekistan, proposed amendments to current legislation were drafted, providing for greater material support for judges in the form of higher salaries, increased bonuses linked to rank and years of service, exemption from income tax, and changes to the age requirements and terms of office for judges.

301. The Academic Coordination Council participants recommended that legislation on the courts should specify the courts' powers with respect to the selection, promotion and training of judges, and disciplinary measures and performance reviews for judges, on the basis of international standards.

302. With a view to strengthening safeguards of the rights and legal interests of judges and improving their status in society, it was recommended that consideration should be given to the adoption of an act on the status of judges, specifying the rights, duties and liability of judges, their social and legal status, and also the Judges' Code of Ethics, which establishes standards of conduct for judges.

303. Taking into account the role and position of the judiciary in the system of separation of State powers, it has been proposed that a special training course on judicial law should be introduced into the curriculum of law schools and the further training system for jurists, for the purpose of in-depth study of the legal nature of judicial protection of human rights and freedoms and the acquisition of expertise on the theoretical and practical aspects of judicial proceedings and the status of judges; and that consideration should be given to the

introduction of traineeships for judges, with specification of the legal status of such traineeships and procedures for their operation in the current judicial system.

304. All necessary measures are being taken in Uzbekistan to prosecute persons who have committed torture and other forms of ill-treatment, in accordance with the Constitution, the Criminal Code, the Code of Criminal Procedure and other legislative acts.

Article 10

305. Uzbekistan attaches great importance to boosting awareness-raising, educational and publishing activities aimed at providing information and disseminating material on the prohibition of torture, particularly in the context of the training of legal professionals and further training of law enforcement officers and judges.

306. Legal professionals are trained at the Tashkent State Institute of Law, where international law is studied at bachelor's and master's level.

307. Jurists and legal scholars are trained at the law faculty of the Mirzo Ulugbek National University of Uzbekistan. Human rights is taught as a separate subject in the second year of the master's degree, with 56 hours of teaching time. It is planned to increase the number of hours to 100 and to introduce special courses such as human rights in armed conflict (30 hours), human rights and international terrorism (30 hours) and the mechanism for implementing international law in Uzbekistan's domestic legislation (30 hours), and to increase the teaching time for the course on international law at bachelor's level to 120 hours.

308. Human rights education, including on the Convention against Torture, is also provided at bachelor's level at the University of World Economics and Diplomacy, as part of a course on human rights. Students are taught about the prevention of torture when they study the role and position of the United Nations with regard to human rights; the major international human rights instruments; personal and political human rights; and international cooperation by the Republic of Uzbekistan in the field of human rights.

309. At master's level, issues relating to the Convention against Torture are studied as part of a course on international human rights law, and master's students study international legal standards and mechanisms for the prevention of torture. Particular attention is paid to the substance and significance of the Convention, the work of the Committee against Torture and the implementation of the Convention in national legislation; under a special course on national human rights institutions, master's students also study the practical work of national human rights institutions with regard to the prevention of torture.

310. A legal clinic is in operation at the international law faculty, where students acquire practical skills in human rights protection and advising on the prevention of torture.

311. Study of the Convention against Torture is included in the curriculum of the Higher Military Customs Institute, under the international law module, which is a separate module studied in the Institute's law faculty, consisting of a four-hour lecture and six hours of workshops and practical classes. The text of the Convention is included in the Institute's electronic library holdings and can be accessed by every student. International instruments governing human rights in the field of justice are also studied as part of the curriculum on criminal law, criminal procedure, police work and forensics.

312. Senior officials, including representatives of various ministries and departments, *khokimiyats* at various levels, political parties and community organizations, study at the Academy for the Development of the State and Society.

313. The higher training courses of the Procurator-General's Office aimed at increasing the knowledge of staff have incorporated into the further training and retraining curricula for senior officials such modules as procuratorial oversight of compliance with the law in the application of instruments issued by judicial and other bodies and in remand centres; the legal status of inmates of remand centres and detention facilities; specifics of the granting of amnesty to serving prisoners; bases for parole, commutation and transfer to open prisons; and non-custodial penalties and problems with regard to their enforcement.

314. The higher training courses have published a number of books on combating human trafficking, corruption and torture, and they publish a regular higher training courses newsletter containing academic and practical articles on safeguarding human rights and freedoms in the administration of justice. They have also published academic and practical textbooks on current issues with regard to the prevention of human trafficking and on safeguarding human rights in the fight against crime, drug trafficking and terrorism.

315. The higher training courses have incorporated information workshops and conferences into their work. On 15 February 2010, an academic and practical conference was held in the city of Farg'ona on liability for torture and other cruel, inhuman or degrading treatment or punishment, as a result of which a textbook was published on the same topic. On 27 September 2010, an academic and practical conference, organized jointly with the Samarqand province procurator's office, was held in the city of Samarqand on the subject of women's rights in Uzbekistan and gender equality issues. On 14 March 2011, an academic and practical conference on priorities in the implementation of the Convention against Torture took place, organized jointly with the Ombudsman.

316. The Ministry of Internal Affairs system includes three higher education institutions — the Academy of the Ministry of Internal Affairs, the Tashkent Military and Technical College and the Higher Technical School for Fire Safety — whose students and course participants study international human rights instruments as part of the curriculum.

317. On the initiative of the Office for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs, a faculty of human rights theory and practice was opened in January 2009 at the Academy of the Ministry of Internal Affairs. The curriculum in this area is structured as follows:

- In their second year, full-time students study general human rights theory for a total of 40 hours, which consists of 20 hours of lectures, 8 hours of workshops and 12 hours of self-study
- Students on higher academic courses study human rights and the work of the internal affairs agencies for a total of 40 hours, which consists of 12 hours of lectures, 18 hours of workshops and 10 hours of self-study
- Students on higher training courses for non-commissioned officers take a legal training course, including a module on human rights and the work of the internal affairs agencies, which consists of 16 hours of teaching
- In the faculty of further training for internal affairs officers, the curriculum includes courses on international standards for the observance of human rights in the work of the law enforcement agencies and on the observance of human rights in the work of the internal affairs agencies

318. The Ministry's system also includes four centres for the training and retraining of non-commissioned officers, whose curriculum includes courses on international standards and national law relating to human rights protection.

319. The Academy of the Ministry of Internal Affairs holds regular awareness-raising events on human rights protection, including the prevention of torture.

320. On 23 August 2010, in cooperation with the OSCE Project Coordinator in Uzbekistan, a training workshop on safeguarding human rights in penal institutions was held for staff of the Central Penal Correction Department pursuing further training courses at the Academy of the Ministry of Internal Affairs. A total of 50 staff of the Department took part in the training workshop.

321. From 1 to 24 August 2010, sessions on the spirit and letter of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in relation to the work of internal affairs officers were held at the Academy of the Ministry of Internal Affairs for staff of the institutions and units of the Central Penal Correction Department taking courses at the further training faculty.

322. On 25 February 2011, a training workshop took place on the role and tasks of internal affairs officers in establishing a human rights culture. The workshop was organized for 25 heads and deputy heads of city and district internal affairs departments at the Academy's further training faculty.

323. From 16 to 18 March 2011, an international training workshop was held on the implementation of the National Plan of Action for the implementation of the concluding observations made by the Committee on the Elimination of Discrimination against Women following consideration of the fourth periodic report of Uzbekistan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the tasks of the internal affairs agencies.

324. On 14 April 2011, in cooperation with the OSCE Project Coordinator in Uzbekistan, a training workshop was held on safeguarding human rights and freedoms in the work of the internal affairs agencies, which was attended by 25 members of staff of the operative agencies of the Ministry of Internal Affairs, the central internal affairs department of the city of Tashkent, the Tashkent province internal affairs department and the internal affairs department for transport.

325. On 27 May 2011, 25 second- and third-year students from the Academy attended a round table on the subject of human rights: the ultimate value, during which they heard and discussed reports on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and prevention of the unlawful use of force by the law enforcement agencies.

326. On 31 May 2011, a national academic and practical conference took place on the subject of incorporating the Convention against Torture into the domestic law of Uzbekistan (article 235 of the Criminal Code), which was attended by representatives of the Legislative Chamber of the Oliy Majlis, the Procurator-General's Office, the Ministry of Justice and the Central Penal Correction Department of the Ministry of Internal Affairs. The following international experts were invited to the conference: Ms. Heather Huhtanen (United States of America); Mr. Friedrich Schwindt (Germany); Mr. Pierre Pouchairet, the Central Asia regional police attaché of the Embassy of France, based in Almaty, Republic of Kazakhstan; and international experts Mr. Marcin Wydra (Poland) and Mr. Marc Labalme (France).

327. In 2009, the Office for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs, together with the Academy of the Ministry of Internal Affairs, published a compilation of national and international law on the prevention of human trafficking; in 2010, a textbook on women's rights under national and international law was published; and in 2011, a course of lectures to support rapporteurs on the work of the internal affairs agencies with regard to human rights protection was published, dealing with issues relating to the prevention and eradication of torture.

328. With regard to the recruitment of candidates to the internal affairs agencies, relevant further requirements have been introduced for new recruits in addition to the standards laid down in the laws and regulations on staff selection. These include, in particular, knowledge of the Constitution and generally accepted international legal and regulatory instruments on the safeguarding and protection of human rights and freedoms. Candidates are also tested on their knowledge of minimum standards of conduct and minimum standards for dealing with the public, and they must meet physical and psychological training standards and be interviewed.

329. As an example, in December 2010 more than 2,000 course participants, students and officers were tested at the Academy of the Ministry of Internal Affairs on issues relating to the safeguarding and observance of human rights; after completing their study, they were appointed to commissioned and non-commissioned officer posts.

330. When performance reviews are carried out at the time of appointment, transfer or promotion, the performance review board pays particular attention to officers' professional training and their level of knowledge of international instruments ratified by Uzbekistan and of the aims and objectives of the judicial and legal reforms being implemented in Uzbekistan.

331. During the period 2008–2010 and the first seven months of 2011, the Office for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs, with the assistance of international human rights entities such as the OSCE Project Coordinator in Uzbekistan, the regional office of UNDP and the regional delegation of ICRC, organized around 20 training workshops for internal affairs officers, attended by international experts. More than 450 officers received certificates at the end of these workshops.

332. In December 2008, the Central Penal Correction Department of the Ministry of Internal Affairs held a training workshop on the prevention, identification, assessment and documentation of cases of torture and other types of unlawful treatment in accordance with international standards and domestic law, attended by officers of Ministry of Internal Affairs units, forensic doctors, and field agents and institutional staff of the penal system.

333. In February, March and April 2009, in the cities of Tashkent, Farg'ona, Termiz, Buxoro and Xiva, the Ministry of Internal Affairs and the OSCE Project Coordinator in Uzbekistan, with the participation of experts from the Helsinki Foundation for Human Rights, organized a series of training workshops on the subject of theoretical bases and international standards for human rights, aimed at familiarizing internal affairs officers with international legal standards for human rights protection and explaining the concept of torture. Following the workshops, 150 officers were awarded the relevant certificates.

334. On 5 May 2009, a training workshop on human rights and professional ethics in the work of the law enforcement agencies was held at the Academy of the Ministry of Internal Affairs for staff of the Ministry's educational institutions and operative agencies. It was attended by OSCE international experts from the staff of the Security Academy of the Austrian Ministry of the Interior. A total of 23 internal affairs officers took part in the interactive training.

335. In 2010, the UNDP office in Uzbekistan and the Office for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs organized five training courses on the implementation of international treaties in the work of the law enforcement agencies, attended by staff of the human rights protection and legal support units, criminal investigation, pretrial investigation and crime prevention units, human resources departments, special staff inspectorates, and medical, penal correction and public order departments of the Ministry of Internal Affairs in the Republic of Qoraqalpog'iston, the internal affairs departments of Xorazm, Buxoro, Samarqand, Navoiy, Jizzax, Tashkent, Namangan, Andijon and Farg'ona provinces, the central internal affairs department of the

city of Tashkent, the internal affairs department for transport and the Ministry of Internal Affairs. During the training courses, officers studied the Convention against Torture. Certificates were awarded to 125 participants.

336. On the initiative of the Office for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs, with a view to further developing the legal awareness of internal affairs officers with regard to safeguarding human rights, legal libraries and "corners" have been set up in all units of the Ministry of Internal Affairs and local internal affairs agencies, to which new publications are added regularly.

337. In 2009, the National Centre for Human Rights gave more than 10,000 volumes (17 titles) on human rights protection free of charge to the Office for the Protection of Human Rights and Legal Support.

338. In 2010, the OSCE Project Coordinator in Uzbekistan gave the Office for the Protection of Human Rights and Legal Support, free of charge, more than 600 books (16 titles) published in Uzbekistan on the legal aspects of human rights.

339. In 2011, the ICRC regional delegation in Uzbekistan gave the Office for the Protection of Human Rights and Legal Support, free of charge, more than 450 books on international humanitarian law and 1,500 copies of the guide for police conduct and behaviour, a booklet published by ICRC.

340. All the aforementioned legal literature was given to units of the Ministry of Internal Affairs and local internal affairs agencies as additional material for their legal libraries and "corners".

341. Training sessions on international human rights instruments are conducted for the staff of all internal affairs agencies; in the first seven months of 2011, around 2,500 sessions were held.

342. In 2010, more than 10,000 copies of posters publicizing the Citizens' Communications Act and the telephone helplines of the Ministry of Internal Affairs were produced in the Uzbek, Russian and Karakalpak languages and were displayed in all internal affairs agencies and in educational and training institutions, *makhalla* (neighbourhood) committees, and all public places throughout the country.

343. In 2010, the Office for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs, with the assistance of the OSCE Project Coordinator in Uzbekistan, produced 4,000 copies of a booklet entitled *Ichki ishlar khodimi – inson khukuklari khimoyachisi* ("Internal affairs officer – human rights defender") and 200 desktop calendars for 2011 featuring the Citizens' Communications Act. In conjunction with the UNDP regional office in Uzbekistan, 120 desktop calendars for 2011 were produced on the theme of international human rights standards in the work of the law enforcement agencies.

344. In 2010, with the support of the Embassy of Germany in Uzbekistan, the National Centre for Human Rights and the Central Penal Correction Department of the Ministry of Internal Affairs published a booklet on prisoners' rights – national and international standards, in the Uzbek and Russian languages.

345. In order to improve the public's legal awareness, staff of the Ministry of Internal Affairs and local internal affairs agencies carry out a wide range of outreach work with the public, aimed at explaining domestic law and international standards relating to human rights protection.

346. In the first half of 2011, staff of the Office for the Protection of Human Rights and Legal Support and other units and local agencies of the Ministry of Internal Affairs made 1,483 media appearances, including 461 on television, 546 on the radio, 454 in the

newspapers and 22 in magazines. A total of 2,072 information events were organized, including 954 lectures, 861 round tables, 235 workshops and 22 academic and practical conferences. Conferences, workshops and round tables were held in 945 urban areas and 1,053 rural areas and were attended by 124,068 people. A total of 77 publications were produced, including 24 study guides, 15 reference books, 39 compilations of presentations and reports, 188 visual aids, including 150 different posters, and 27 booklets.

347. One of the educational institutions providing retraining and further training for legal professionals is the Centre for Further Training of Jurists at the Ministry of Justice.

348. Since the Centre began operating, more than 11,000 people have been trained there: each year, around 2,000 jurists undergo retraining and further training, including staff of the judicial authorities and the courts, candidates for judgeships, lawyers, notaries, law lecturers and staff of the legal departments of State administrative authorities, companies, institutions and organizations, irrespective of their form of ownership.

349. Retraining of candidates for judgeships consists of two stages. During the first stage, they are trained at the Centre. They attend lectures, workshops, round tables, practical classes with the participation of experienced judges, and meetings with the heads and senior officials of the judiciary and law enforcement agencies. During the second stage, they undertake a traineeship in the courts. At the end of the traineeship, they take a theoretical and practical examination. On passing the examination, they are awarded a certificate of completion of the retraining course for candidates for judgeships. Only persons holding such a certificate are permitted to take the examination of the Higher Qualification Commission.

350. The curriculum of the Centre for Further Training of Jurists includes such subjects as international standards for fair trials, the significance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, international human rights mechanisms, and other subjects that help judges, candidates for judgeships in the criminal courts, and lawyers to develop their skills in responding to complaints of torture during pretrial investigations.

351. In 2007 and 2008, special courses were organized for judges on the provisions of the legislation abolishing the death penalty and introducing habeas corpus, and for staff of the judicial authorities on international human rights standards and on thorough review by the courts of complaints and petitions received from parties to judicial proceedings concerning the use of torture and other prohibited methods of obtaining confessions.

352. Training programmes for newly appointed judges and judges in district and provincial criminal courts include special lectures and practical classes on identifying, during trials, violations of civil rights and freedoms under article 235 of the Criminal Code and articles 17, 46, 48 and 88 of the Code of Criminal Procedure, i.e. the detection in criminal cases of instances of the use of torture and other prohibited methods against suspects and accused persons by the agencies conducting initial inquiries and pretrial investigations.

353. With a view to further improving the system of training and further training of law enforcement officers, exchanging experience with foreign countries in that regard, and developing the main aspects of further reform of legal education, the Centre for Further Training of Jurists, together with the OSCE Project Coordinator in Uzbekistan, is implementing a project to support the development of the Centre’s work.

354. As part of this project, a human rights resource centre, equipped with modern technology, has been in operation at the Centre since 10 December 2009. The resource centre focuses on special literature on human rights (more than 2,000 titles) and thematic electronic databases on international standards for fair trials.

355. On 5 June 2009, the Centre held an international academic and practical conference on current issues in human rights training for staff of the judiciary and law enforcement agencies, attended by foreign legal scholars and experts from the United States of America, the Russian Federation, France, Japan and Belarus, and representatives of international organizations.

356. From 9 to 19 November 2010, the Centre and the OSCE Project Coordinator held a series of regional international workshops on international standards in the administration of justice: practical implementation, in the cities of Tashkent (9 and 10 November), Urganch (12 November), Buxoro (15 November), Samarqand (17 November) and Farg'ona (19 November). An expert from the United States took part in these workshops.

357. On 8 and 9 June 2010, a workshop was held on characteristics of the judicial and legal system: the experience of Germany and Uzbekistan, organized by the Centre, the office of the Friedrich Ebert Foundation in Uzbekistan and the higher training courses of the Procurator-General's Office. The workshop was attended by Mr. Gerd Wehling, an administrative judge in the city of Hamburg, Germany, and Mr. Wulf Lapins, head of the Central Asia office of the Friedrich Ebert Foundation.

358. On 7 and 8 April 2010, in conjunction with the Friedrich Ebert Foundation and with the participation of the German judge Mr. Gerd Wehling, a training workshop was held on the subject of characteristics of fair trials: the experience of Germany and Uzbekistan, attended by more than 50 candidates for judgeships in the criminal courts.

359. On 4 and 5 May 2010, in conjunction with the German Foundation for International Legal Cooperation (IRZ), an academic and practical workshop was held on juvenile criminal liability: the legislation of Uzbekistan and Germany.

360. As part of the implementation of paragraph 17 of the observations of the Committee against Torture, attention is being paid to the training of doctors in identifying and documenting cases of torture and ill-treatment.

361. In the faculty of anatomical pathology and forensic medicine of the Tashkent Institute of Advanced Medical Education, special training courses and single training sessions are conducted on identifying the medical and biological signs of torture and other cruel, inhuman or degrading treatment or punishment.

362. During the period 2008 to 2011, 286 experts from forensic medicine institutions attended special training sessions as part of specialized courses in forensic medical examinations.

363. The Central Penal Correction Department of the Ministry of Internal Affairs, in conjunction with the Ministry of Health and the UNODC Regional Office for Central Asia, held a training workshop from 16 to 19 December 2008 on identification, assessment and documentation of cases of torture and other types of unlawful treatment, which was attended by 35 medical and 15 non-medical staff of penal institutions and 15 forensic experts from the Ministry of Health.

364. During the period 2008–2011, 554 doctors and medical staff of the penal system received training; 90 of these were trained in methods of identifying torture. A total of 87 doctors received training in 2008, 116 in 2009, 73 in 2010 and 52 in the first half of 2011.

365. Since 2010, mid-grade medical staff have been receiving training at the specialized National Centre for Advanced Training of Mid-grade Medical and Pharmaceutical Staff. A total of 48 nurses received training in 2010, and 88 in the first half of 2011.

Article 11

366. During the period 2008 to 2011, additional legislative, policy, educational and other measures were taken to improve conditions of detention for detainees and convicted and remand prisoners.

367. In 2011, the Act on conditions of detention during criminal proceedings was adopted with a view to strengthening safeguards of the rights of detainees and remand prisoners, including the right to protection from torture and other forms of ill-treatment.

368. With a view to strengthening protection of the rights of convicted prisoners, additions have been made to article 18 of the Penal Enforcement Code, stating that the Ombudsman has the right to visit penal institutions without restriction when reviewing complaints or verifying cases of violations of citizens' rights, freedoms and legal interests on his or her own initiative. Article 79 of the Penal Enforcement Code provides that correspondence sent by convicted prisoners to the Ombudsman is not subject to censorship.

369. Article 10 of the Penal Enforcement Code establishes safeguards of the right of convicted prisoners to receive legal assistance from a lawyer, who is entitled to file complaints regarding acts and decisions of the prison administration, the procurator or the courts, to request references, testimonials and other documents from the prison administration, and to meet with the prisoner in private.

370. The Act on amendments and additions to certain legislative acts to improve the institution of the legal profession has made a significant contribution to strengthening legal protection for remand prisoners. Pursuant to the Act, the following new provisions have been added to the Code of Criminal Procedure:

- Counsel may become involved in a case as soon as a citizen has been indicted or has been informed of the decision to declare him or her a suspect, or as soon as he or she has been taken into custody (article 211 of the Code of Criminal Procedure)
- Suspects or accused persons who are granted an amnesty on application by a procurator are immediately released from custody (article 590 of the Code of Criminal Procedure)
- Accused persons and suspects are entitled to make a telephone call or to inform a lawyer or close relative that they have been detained or arrested and where they are being held; to have a defence counsel and to meet with him or her in private, without restriction as to the number or duration of such meetings; to give testimony on the circumstances of the case or to refuse to do so; and to be informed that their testimony may be used as evidence against them or others (articles 46 and 48 of the Code of Criminal Procedure)
- The first meeting in private between a detainee and a defence counsel takes place before the first examination (article 230 of the Code of Criminal Procedure)
- Article 197-1, "Interference in the work of a lawyer", has been added to the Administrative Liability Code

371. The Convention against Torture and other international instruments of the United Nations relating to torture are implemented in Uzbekistan not only at the legislative but also at the policy level.

372. The National Plan of Action for the implementation of the recommendations made by the Human Rights Council following consideration of the national report of Uzbekistan in the context of the universal periodic review, which was approved on 21 August 2009, provides for measures to improve conditions of detention for detainees and convicted and remand prisoners. It provides for the establishment of a post of Ombudsman for convicted

prisoners in penal institutions (para. 3.2); training for law enforcement officers on the Convention against Torture (para. 3.3); and the establishment of a system of independent monitoring of detention facilities, with the involvement of non-governmental and international organizations, for the purpose of learning about the conditions of detention of convicted prisoners (para. 3.5).

373. The National Plan of Action for the implementation of the recommendations made by the Human Rights Committee following consideration of the third periodic report of Uzbekistan on the implementation of the International Covenant on Civil and Political Rights, which was approved on 20 September 2010, provides for a review of international practice relating to the detention and custody of offenders (para. 9.1); analysis of law enforcement work relating to lawyers' access to detainees, suspects, accused persons and defendants (para. 10.1); the identification of obstacles to the exercise of a lawyer's right to be involved in a case from the time of detention and the development of measures to eliminate them (para. 10.2); and the drafting of regulations relating to the status of independent inspections of remand centres (para. 10.3).

374. The National Plan of Action for the implementation of the concluding observations of the Committee on the Elimination of Discrimination against Women following consideration of the fourth periodic report of Uzbekistan of 30 August 2010 provides for annual independent monitoring of the observance of women's rights and of detention in penal institutions, and discussion of the outcome with staff of the Central Penal Correction Department (para. 28); and analysis of cases of violence against women in custody and adoption of measures to protect victims of violence (para. 29).

375. The National Plan of Action for the implementation of the concluding observations and recommendations made by the Committee against Torture following consideration of the third periodic report of Uzbekistan provides for, inter alia, the development of a package of measures to further improve conditions of detention (para. 5.3); a review of practice relating to observance of the right of detainees, accused persons, defendants and convicted prisoners to have access to a lawyer, a doctor and family members, and their right to protection from torture (para. 6.1); and a review of the implementation of the agreement between the Republic of Uzbekistan and ICRC (para. 7.2).

376. A single procedure has been introduced in all units of the Ministry of Internal Affairs for the registration of all communications from citizens, including complaints and petitions concerning the use of prohibited methods of investigation and treatment of remand prisoners or those detained in penal institutions. Such communications are subjected to a special verification procedure.

377. Every penal institution has a box for complaints to be sent to the Procurator's Office, which may be opened only by staff of the procuratorial authorities. Such correspondence is not subject to censorship. The procuratorial authorities, which monitor compliance with the law in detention facilities and remand centres, decide directly on the response to be given to such complaints.

378. With a view to providing a timely response to reports from citizens of the use of torture, telephone helplines have been set up in police stations of Ministry of Internal Affairs units and in all penal institutions, which members of the public can use to make complaints to the head of the institution or an official. Rooms for receiving members of the public have been set up and provided with appropriate equipment, and persons with inquiries are given scheduled appointment times. Posters are displayed at the entrances to institutions, indicating the telephone helpline numbers of all Ministry of Internal Affairs units.

379. Verification of complaints of torture and other prohibited methods of treatment of convicted prisoners is, in accordance with their mandate, one of the tasks of special

domestic security units (special staff inspectorates), which are subordinate to the Minister of Internal Affairs.

380. Senior officials of the Ministry of Internal Affairs carry out a thorough review of every identified case of the use of physical force, ill-treatment or violation of the rights and legal interests of the aforementioned persons. The perpetrators are subjected to severe disciplinary measures; they are usually dismissed from the internal affairs agencies, and the official review file must be handed over to the procuratorial authorities.

381. During the period 2008–2010 and the first six months of 2011, the procuratorial authorities received 30 complaints from convicted and remand prisoners of unlawful acts by law enforcement officers. A breakdown by region shows that six of the complaints were registered in the Republic of Qoraqalpog'iston, nine in Tashkent province, five in Qashqadaryo province, three in Navoiy province, three in Andijon province, two in Buxoro province and two in the city of Tashkent.

382. In 4 cases the complainants were provided with explanations; in 20 cases, where unlawful acts by law enforcement officers were exposed, appropriate decisions were taken in accordance with criminal procedure law; and, in 6 cases, criminal proceedings were instituted. Following investigation, the perpetrators were sentenced in accordance with domestic law.

Petitions, complaints and communications from persons deprived of liberty

	Subject of petition, complaint or communication	*2009*	*2010*	*2011 (first half)*
1.	**Total number of petitions, complaints and communications contesting a court verdict**	**1 465**	**1 145**	**573**
	Ministry of Internal Affairs (including Central Penal Correction Department)			
	Procuratorial authorities	15	10	7
	Judiciary	1 440	1 020	460
	Other State bodies	140	103	100
	Ombudsman	10	12	6
	Other national and international human rights organizations			
2.	**Total number of petitions, complaints and communications received on other issues**	**20**	**24**	**10**
	Ministry of Internal Affairs (including Central Penal Correction Department)	10	12	4
	Procuratorial authorities	2	1	
	Judiciary	3	3	4
	Ombudsman	3	5	1
	Other national and international human rights organizations	2	3	1

Complaints by citizens of human rights violations and outcome of their review

	2009	*2010*	*2011 (first half)*
Total number of complaints of civil rights violations received by internal affairs agencies	**1 639**	**1 467**	**1 490**
Complaints of violations of prisoners' rights	2	3	3
Complaints of torture or other cruel or inhuman treatment	17	10	13
Complaints of unlawful arrest or detention	22	10	4
Complaints of unwarranted prosecution	10	13	3
Complaints of abuse of official position	73	31	26
Complaints of negligence	34	28	19
Complaints of abuse of authority	79	38	28
Complaints of unlawful acts by the internal affairs agencies	1 210	1 225	1 280

Measures taken following review of citizens' complaints

	2009	*2010*	*2011 (first half)*
Removal from post	30	21	10
Dismissal from internal affairs agencies	55	47	25
Disciplinary measures	384	248	188
Transfer of review file to procuratorial authorities	62	33	39
Transfer of review file to procuratorial authorities in cases of torture	22	16	13

383. With a view to strengthening safeguards of the rights of convicted prisoners and implementing the recommendations of the Committee against Torture (para. 10), efforts to improve conditions of detention have focused on upgrading the equipment and resources of penal institutions. Existing remand centres and penal colonies have been refurbished, and new, modern institutions that meet international standards have been built. In particular, a rehabilitation centre for the treatment of inmates suffering from drug addiction has been opened, along with more than 10 new open prisons, which are located in the Republic of Qoraqalpog'iston and in Tashkent, Sirdaryo, Jizzax, Samarqand, Qashqadaryo and Surxondaryo provinces.

384. Almost half of penal colonies (25) are open prisons, 70 per cent of which (17) focus on agricultural production. The main purpose of expanding the network of open prisons is to ensure that prisoners are held in penal institutions that are as close as possible to their place of residence prior to their detention, to ensure that they are fully employed and to produce various agricultural products to serve the needs of penal institutions.

385. More than 80 per cent of inmates in open prisons have been transferred from ordinary-regime or strict-regime colonies after serving the part of their sentence specified by law; they are held without being guarded and may, inter alia, move freely, wear civilian clothing, carry money and valuables, work at various economic entities, raise livestock, work on construction and installation projects together with the civilian population, and live in the area near the prison with their families.

386. Over the past 10 years, the number of inmates in detention facilities has fallen by more than half, and Uzbekistan now has one of the lowest prisoner rates in the world: 153 per 100,000 population.

387. The prison occupancy level in Uzbekistan is 80 per cent on average; in some institutions it is no more than 30 per cent, and in the country's only young offenders' institution, it is less than 10 per cent.

388. Every inmate, irrespective of his or her sentence, receives good-quality hot food three times a day (breakfast, lunch and dinner), enough to maintain the body's normal vital functions. Each institution has a canteen for the preparation and distribution of food, with special cooking staff. Canteens are equipped with the necessary technological equipment. The food preparation equipment and its quality are monitored on an ongoing basis by the prison administration and medical staff and by the higher internal affairs agencies.

389. Dietary standards for prisoners are established by the Government and are fully implemented by the prison administration. There is a single basic dietary standard for inmates of all types of colonies. Dietary standards are higher for pregnant women, nursing mothers, patients in medical facilities of penal colonies and prisons, disabled persons in groups I and II, and juvenile inmates in young offenders' institutions.

390. The procedure for providing medical care to prisoners, issuing medicines, organizing and conducting sanitary inspections, making referrals to treatment and prevention facilities and bringing in medical staff from the health-care agencies is determined by the Ministry of Internal Affairs in coordination with the Ministry of Health, on the basis of the guidelines for medical care of persons held in remand centres and institutions of the Central Penal Correction Department of the Ministry of Internal Affairs.

391. On admission to a remand centre or penal colony, each inmate must undergo a medical examination and a set of tests; subsequently, inmates of every institution are given yearly preventive examinations, and twice a year each inmate undergoes X-ray and fluorographic examination. If any illness is detected, treatment is prescribed. Specialists from the Ministry of Health are invited where necessary in order to obtain a clearer diagnosis; specialists and treatment facilities of the local health-care agencies are involved in providing specialized or emergency medical care.

392. For the purpose of deciding questions of release on grounds of serious illness or for the purpose of examination by the commission of experts in occupational medicine of the Ministry of Labour and Social Security, prisoners are referred to the national hospital at prison UY-64/18 in the city of Tashkent.

393. In order to ensure proper protection of inmates' health, a special list of medical restrictions on the employment of, for example, female and juvenile inmates and those who are disabled, elderly or ill has been established on the basis of proposals by the Ministry of Health and the Ministry of Internal Affairs.

394. In order to prevent tuberculosis in the prison system, the directly observed treatment, short-course (DOTS) programme was introduced in November 2004, which significantly improved the effectiveness of treatment and reduced the incidence of tuberculosis among prisoners by a factor of 1.3 and the mortality rate by a factor of 2.7. The characteristics of detention facilities were taken into account in the development of the DOTS programme. The DOTS strategy provides for the phased introduction of the new method of treatment; around 82 per cent of patients are now being treated using the DOTS method.

395. With the support of the National DOTS Centre, the World Health Organization (WHO), Project HOPE and the Centers for Disease Control and Prevention (CDC), more than 160 medical staff in the penal system have been trained in the DOTS method. A total of 603 patients are currently being treated using the DOTS method.

396. As a result of the introduction of the DOTS strategy, the number of people cured of tuberculosis reached 87 per cent in 2010, and the number of cases of recurrence of the disease was reduced to 5 per cent. In April 2009, a new department for the treatment of drug-resistant forms of tuberculosis opened at the National Prison Hospital in Tashkent, designed to accommodate 100 beds and fitted with new special equipment.

397. Cooperation on the prevention and treatment of diseases, including HIV/AIDS and tuberculosis, is under way with national health-care agencies and foreign and international organizations: the WHO Country Office; the Global Fund to Fight AIDS, Tuberculosis and Malaria; the German bank for reconstruction and development; UNODC; and the European Union programme of support for border management and drug control in Central Asia.

398. In May 2008, 24 members of staff of Central Penal Correction Department institutions, including a doctor, a nurse and a psychologist, attended a training course on introducing antiretroviral therapy in penal institutions at the regional training and information centre for HIV/AIDS care and treatment in Eurasia, located in Kyiv, Ukraine.

399. With the support of the Tashkent Institute of Advanced Medical Education, an information workshop was held in February 2009 on the training and further training of doctors in HIV/AIDS prevention, attended by 25 doctors from the penal system.

400. In 2008, work began on the implementation in Uzbekistan's prison system of a project for the prevention of drug use in prison under the European Union's Central Asia Drug Action Programme (CADAP-4). The aim of the project is to introduce the Atlantis method of treating drug addiction into penal institutions, to upgrade the equipment and resources of the drug treatment service, and to create the necessary conditions for the adaptation and social reintegration of drug addicts who have undergone treatment and been released from detention facilities, by establishing a centre for social care and rehabilitation. In September 2009, a rehabilitation centre was opened at the penal institution in Chirchiq under CADAP, which is financed by the European Union and implemented by UNDP. In 2010, CADAP-5 was launched; it provides for the opening of another Atlantis rehabilitation centre at the Central Penal Correction Department institution located in the city of Navoiy.

401. In order to engage prisoners in socially useful occupations, industrial enterprises operate in penal colonies, with substantial capacity to produce textiles, clothing, manufactured rubber products, machinery and building materials.

402. When production staff are selected for a penal institution, account is taken of their profession or speciality, whether they have completed higher or secondary education, and whether they have the practical occupational skills necessary for production in the prison enterprise, so that they can not only monitor the production process but also provide inmates with occupational training.

403. General secondary education, professional education and vocational training are provided to inmates of penal institutions who do not have an occupation or speciality that they can practise in production either at the colony or after their release.

404. Instruction and training procedures are organized in accordance with the regulatory requirements of the education authorities and in compliance with the requirements of the custodial system, the daily schedule and the detention rules applicable to the various categories of inmates. The residential zone has a school and buildings for the provision of professional education and vocational training to inmates.

405. Over the past eight years, the equipment in the hairdressing salons and sewing workshops in penal colonies for women and men and in the open prison in Zangiata province has been upgraded, and inmates have been given training in basic needlework, bead weaving, hairdressing and confectionery-making. A total of 850 inmates received training between 2003 and 2010.

406. When inmates complete their training and pass the final college qualification examinations, they are awarded a State certificate of their level of qualification. Certificates of professional education are kept in inmates' personal files and are handed to them on release, when they must be signed for.

407. Pursuant to the Penal Enforcement Code, the number of meetings and telephone calls that an inmate is allowed and the number of parcels, packages and postal wrappers of printed matter he or she may receive depends on the type of regime in the penal institution and the conditions of detention of the inmate in question.

408. Inmates of open prisons are entitled to an unlimited number of visits. Visits are generally allowed outside working hours. Meetings outside the open prison may be allowed at the inmate's request.

409. Inmates may make telephone calls and receive and send parcels, packages and postal wrappers of printed matter without restriction (article 114 of the Penal Enforcement Code).

410. Inmates of open prisons are also entitled to annual paid leave of 15 working days. During their leave, they are entitled to leave the prison in accordance with the procedure established under article 82 of the Penal Enforcement Code (article 91 of the Penal Enforcement Code).

411. Inmates of ordinary-regime colonies are entitled to receive four short and four long visits, six telephone calls, six parcels or packages and six postal wrappers of printed matter per year (article 117 of the Penal Enforcement Code).

412. Inmates of strict-regime colonies are entitled to receive three short and three long visits, four telephone calls, four parcels or packages and four postal wrappers of printed matter per year (article 119 of the Penal Enforcement Code).

413. Inmates of special-regime colonies are entitled to receive two short and two long visits, three telephone calls, three parcels or packages and three postal wrappers of printed matter per year (article 121 of the Penal Enforcement Code).

414. Inmates of prisons are entitled to receive two short visits and one long visit, two telephone calls, two parcels or packages and two postal wrappers of printed matter per year (article 123 of the Penal Enforcement Code).

415. Inmates of young offenders' institutions are entitled to receive 6 short and 6 long visits, 12 telephone calls, 6 parcels or packages and 6 postal wrappers of printed matter per year (article 125 of the Penal Enforcement Code).

416. Life prisoners serving their sentences under the strict regime are entitled to receive one short visit, one telephone call, one parcel or package and one postal wrapper of printed matter per year.

417. Life prisoners serving their sentences under the ordinary regime are entitled to receive one long and one short visit, two telephone calls, two parcels or packages and two postal wrappers of printed matter per year.

418. Life prisoners serving their sentences under the less-strict regime are entitled to receive one long and two short visits, three telephone calls, three parcels or packages and three postal wrappers of printed matter per year (article 137 of the Penal Enforcement Code).

419. In addition, prisoners may be allowed periods of leave outside penal institutions. Article 82 of the Penal Enforcement Code provides that prisoners may be allowed leave outside penal institutions for a period of no more than seven days, not counting travel time in both directions (up to four days), in exceptional circumstances (death or life-threatening illness of a close relative, or an event that has caused significant material harm to the

prisoner or his or her family). Prisoners are allowed leave within Uzbekistan. Prisoners' applications for leave are considered by the institution's administration within 24 hours. Decisions are made on the basis of the prisoner's character and conduct and whether he or she has provided supporting documentation.

420. Prisoners serving custodial sentences may also be rewarded for good behaviour, diligence in work or training, or active participation in educational activities by being allowed to receive additional parcels, packages or postal wrappers of printed matter; to have additional visits or telephone calls; or to be transferred to better conditions of detention, as provided for in article 102 of the Penal Enforcement Code. This means that inmates of ordinary- and strict-regime colonies and young offenders' institutions may receive one additional visit, telephone call and parcel or package per year.

Rewards granted to prisoners

	2008	*2009*	*2010*	*2011 (first half)*
Total number of prisoners receiving rewards	**25 068**	**22 425**	**25 605**	**12 314**
Men	22 772	20 805	23 576	11 357
Women	2 031	1 397	1 881	875
Minors	265	223	148	82
Number transferred to better conditions of detention (excluding those in open prisons)	8 726	5 991	7 452	3 608
Men	7 945	5 526	7 050	3 378
Women	669	381	316	203
Minors	112	84	86	27

Disciplinary measures imposed on prisoners

	2008	*2009*	*2010*	*2011 (first half)*
1. Number of prisoners receiving warnings	1 082	1 458	1 386	525
Men	855	1 010	994	412
Women	221	448	389	113
Minors	6	-	3	-
2. Number of prisoners receiving a reprimand	4 406	4 678	5 019	2 450
Men	4 211	4 520	4 836	2 369
Women	183	154	175	76
Minors	12	4	8	5
3. Number of prisoners deprived of better conditions of detention	149	205	132	107
Men	95	173	111	98
Women	54	31	21	8
Minors	-	1	-	1
4. Number of prisoners placed in disciplinary units				
Men	6 880	6 562	6 795	3 411
Women	155	120	144	64

		2008	*2009*	*2010*	*2011 (first half)*
	Minors	3	8	3	1
5.	Number of prisoners who have flagrantly breached detention regulations transferred from open prisons to ordinary- or strict-regime colonies	482	532	506	179
6.	Number of prisoners placed in punishment cells	775	721	702	361
	Men	773	715	694	355
	Women	2	6	8	6
	Minors	-	-	-	-

421. Pursuant to article 12 of the Penal Enforcement Code, prisoners are guaranteed freedom of conscience and also have the right to profess any religion or none. Ministers of duly registered religious organizations may be invited to visit prisoners at the latter's request, and prisoners are allowed to perform religious rites and to have religious objects and religious literature.

422. The Central Penal Correction Department, in conjunction with the Cabinet of Ministers Committee on Religious Affairs, the Muslim Spiritual Administration of Uzbekistan and Tashkent Islamic University, is implementing a number of organizational and practical measures for preventive education work with prisoners and staff of the penal system. Meetings, workshops, debates and evening events are organized with representatives of the clergy and Islamic scholars, where the history and development of the Islamic religion are explained.

423. The libraries of institutions in the penal system have more than 22,000 religious books, more than 10,000 legal publications, 91,000 works of fiction, and more than 21,000 other books and publications on a variety of subjects. The system's libraries hold a total of more than 171,000 items.

424. Prisoners subscribe to newspapers and magazines, including religious titles, such as the newspaper *Islom nuri* and the magazine *Khidoyat*. In addition, the editorial board of the newspaper *Vakt* ("Time"), intended for prisoners and staff of the penal system, operates within the Central Penal Correction Department. The newspaper focuses in particular on legal issues and religion and publishes laws and regulations; it also covers the life of penal institutions and prisoners' employment and recreational activities.

425. With a view to improving the system of independent monitoring of penal institutions, an Instruction governing the organization of visits to penal institutions by representatives of the diplomatic corps, international non-governmental organizations, local non-governmental non-profit organizations and the media was adopted on 30 November 2004. Representatives of the diplomatic corps, international NGOs and foreign media submit the relevant application to the Ministry of Foreign Affairs, and NGOs registered with the Ministry of Justice submit their applications to that Ministry.

426. When national and international NGOs and other civil society representatives are granted permission to visit detention facilities, they are given access to all categories of inmates held in the country's penal institutions.

427. National non-governmental and international organizations hold various training workshops for the staff of penal institutions. Since 2010, with the support of the German Adult Education Association, a training workshop has taken place on the bases of prison psychology: psychological characteristics of convicted prisoners, and on professional ethics

for staff of the prison system, attended by specialists from the Women's Committee and the Centre for Psychological Services.

428. Under the agreement with ICRC, humanitarian visits to persons in detention facilities have been under way since 2001. In 2010 alone, 18,265 prisoners were seen during 57 visits to 18 detention facilities; 807 of them, including 113 women, were placed under individual monitoring.

Prison visits in 2008–2010 and the first half of 2011

Visit conducted by	*2008*	*2009*	*2010*	*2011 (first half)*	***Total***
1. Parliamentarians from chambers of the Oliy Majlis	1	1	1	-	**3**
2. Ombudsman	9	3	4	3	**19**
3. ICRC	21	21	56	35	**133**
4. Other international organizations	8	2	4	1	**15**
5. Foreign diplomatic missions and others	6	28	26	10	**70**
6. Non-governmental non-profit organizations, clubs and associations	1	4	1	3	**9**
7. Visits to Jasliq colony by ICRC	-	2	3	1	**6**

429. From 1 to 7 December, with the support of the Embassy of Germany in Uzbekistan and the German Foundation for International Legal Cooperation (IRZ) within the German Federal Ministry of Justice, staff of the National Centre for Human Rights and the Central Penal Correction Department of the Ministry of Internal Affairs went on a study tour of Germany in order to learn about the safeguarding and protection of the rights and freedoms of prisoners in penal institutions in Germany.

430. The tour, organized under the agreement on cooperation between the National Centre for Human Rights and the German Embassy in Uzbekistan, was aimed at finding out about the work of penal institutions in Germany, with a view to developing recommendations for the establishment of an independent system of monitoring of penal institutions in Uzbekistan and improving mechanisms for the protection of prisoners' rights, and also at preparing booklets on national and international standards for safeguarding the rights of prisoners and their relatives.

431. Study of the work of three penal institutions in Germany showed that, for the purpose of establishing a system of independent monitoring of penal institutions in Uzbekistan, public commissions should be set up within such institutions, consisting of members of local representative bodies, parliamentarians at various levels, NGOs, clubs and associations, representatives of academic and educational institutions and regional representatives of the Ombudsman, and that provisions on these commissions should be included in the Penal Enforcement Code, the Local Authorities Act and the Clubs and Associations Act.

432. Study of the experience of German penal institutions led to the preparation and publication of a booklet entitled "Prisoners' rights: national and international standards", in Uzbek and Russian, and the organization of workshops and training sessions for senior officials of penal institutions on safeguarding the rights of prisoners and their relatives. In December 2010, the National Centre for Human Rights and the Central Penal Correction Department, in conjunction with the German Embassy in Uzbekistan, gave a presentation of the booklet, which was attended by around 100 staff of the prison system.

433. In September 2009, the OSCE Project Coordinator in Uzbekistan organized a study tour of Finland, Poland and Latvia for staff of Uzbekistan's prison system, so that they could learn about prison procedures and conditions for those serving life sentences.

434. From 28 November to 2 December 2011, representatives of the National Centre for Human Rights and the Central Penal Correction Department of the Ministry of Internal Affairs visited penal institutions in the Czech Republic and Slovakia in order to learn about their experiences. During their visit, they held meetings in Parliament, national human rights institutions and prison services and visited penal institutions in both countries.

435. An initiative was organized as part of the OSCE project for the promotion of international standards in Uzbekistan's prison system. As part of the project, the OSCE Project Coordinator in Uzbekistan presented the Central Penal Correction Department with computer equipment and 950 copies of 20 different human rights titles, which were distributed among penal institutions in all provinces of the country.

436. Work is also currently under way to organize training courses on international prison standards for junior staff of the prison system.

437. Pursuant to paragraph 19, subparagraph 19.1 (paragraph 23 of the recommendations) of the National Plan of Action for the implementation of the concluding observations and recommendations of the Committee against Torture (thirty-ninth session, Geneva, 5–23 November 2007), international practice in transferring the prison system from the Ministry of Internal Affairs to the Ministry of Justice has been studied. In particular, the laws of the Russian Federation, the United States of America, Japan, France, Germany and Slovenia have been studied.

438. On the basis of the comparative legal research carried out regarding the penal enforcement laws and prison systems of the aforementioned countries, recommendations have been prepared as to the advisability of transferring the administration of penal authorities and institutions from the Ministry of Internal Affairs to the Ministry of Justice.

Article 13

439. Uzbekistan has established a legislative basis and an institutional system for receiving and reviewing complaints of unlawful acts, including torture, by law enforcement officers.

440. The legislative basis for exercising the right to make a complaint of torture and for the timely review of such complaints by the relevant State authorities consists of:

- Article 35 of the Constitution, under which all persons have the right, both separately and jointly with other persons, to file petitions, proposals or complaints with the competent State authorities, institutions or elected representatives.
- Article 35 of the Constitution is given effect in the Citizens' Communications Act of 13 December 2002, which specifies not only the procedure and time frames for filing communications with the relevant State authorities, but also the rights of citizens to participate personally in the review of such communications, by using the services of a lawyer or representative and studying the documents used to verify the grounds of their communications. Articles 20 and 21 of the Act establish that the State authorities reviewing communications must take immediate steps to stop unlawful acts or omissions, identify the causes of and circumstances leading to violations of the rights, freedoms and legal interests of citizens, and also take steps to compensate for harm caused to citizens.

- Article 44 of the Constitution guarantees all persons judicial protection of their rights and freedoms and the right to appeal against unlawful acts and decisions of State bodies, officials and community associations in the courts.
- The procedure for implementing article 44 of the Constitution is set out in detail in the Act on appeal to the courts against acts and decisions violating civil rights and freedoms of 30 August 1995. Pursuant to the Act, if a citizen seeking extrajudicial protection of his or her rights does not receive a response to his or her complaint or a refusal to uphold it within one month, he or she may apply to the courts in his or her place of residence or the place where the body whose acts are the subject of the complaint is located. The complaint is considered by the civil courts.
- Under articles 10–16 of the Human Rights Commissioner of the Oliy Majlis (Ombudsman) Act of 24 August 2004, the Ombudsman is entitled to consider complaints from Uzbek citizens, and foreign nationals and stateless persons situated in Uzbekistan, concerning acts or omissions of organizations or officials that violate their rights, freedoms and legal interests, and to carry out a review. Where the applicant has sought protection of his or her rights through other means and is not satisfied with the decisions taken, the Ombudsman must send his or her findings, with recommendations for the restoration of the violated rights, to the organization or official whose act or omission has been found to constitute a violation of civil rights, and should receive a reasoned response within one month. The Ombudsman is entitled to file applications with the relevant bodies for the prosecution of persons whose acts are found to constitute a violation of human rights.
- Article 7 of the Procurator's Office Act of 29 August 2001 obliges the procuratorial authorities to review petitions and complaints from citizens and communications from legal persons, to take steps to restore their violated rights and protect their legal interests, and to receive citizens and legal persons individually. The procuratorial authorities, on the basis of complaints and other communications concerning violations of the law, verify the implementation of laws on the observance of civil rights and freedoms by State bodies and officials in the context of crime prevention and investigation, in the work of detention and remand centres and penal institutions, and in the consideration of cases by the courts. Once they have considered citizens' communications, the procuratorial authorities take steps to prosecute persons who have violated the law by instituting criminal or administrative proceedings or by instituting and pursuing court action in the case of violations of the enforceable rights of socially vulnerable sectors of the population.
- Article 18 of the Pretrial Detention during Criminal Proceedings Act of 29 September 2011 establishes the right of detainees and remand prisoners to receive information on their rights and duties and on the procedure for filing petitions, proposals and complaints, and their right to file, personally or through a defence counsel or legal representative, petitions and complaints concerning the lawfulness and validity of their detention and violations of their rights, freedoms and legal interests. Article 19 of the Act sets out in detail the procedure for filing petitions, proposals and complaints.

441. An interdepartmental working group for monitoring the observance of human rights by the law enforcement agencies has been set up and is in operation; in addition to responsible officials from the law enforcement agencies, its members include senior officials of the Ministry of Justice, the Ministry of Foreign Affairs and the National Centre for Human Rights, and representatives of the Ombudsman and non-governmental organizations. Meetings of the working group are attended by representatives of the National Association of Non-Governmental Non-Profit Organizations of Uzbekistan, the

Women's Committee of Uzbekistan, the Chamber of Lawyers and other civil society institutions.

442. At its meetings, the working group reviews complaints, including those filed with the Office of the United Nations High Commissioner for Human Rights, concerning unlawful acts by law enforcement officers; these are verified and then an appropriate decision is taken. Communications from citizens concerning the use of torture and other prohibited methods of treatment by the law enforcement agencies are reviewed thoroughly. Meetings of the working group took place on 24 February 2010, 27 December 2010 and 5 April 2011.

443. In the first quarter of 2011, at a meeting of the working group, information was presented by the Procurator-General's Office on instances of the use of torture and other degrading treatment by law enforcement officers during 2010, and on compliance by law enforcement officers with their international obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

444. In the fourth quarter of 2011, a presentation of similar information relating to 2011 is planned, and also information on the progress of implementation of the concluding observations and recommendations of the Committee against Torture (thirty-ninth session, Geneva, 5–23 November 2007).

445. State oversight and monitoring by the procuratorial authorities of the implementation of the Citizens' Communications Act by ministries and departments, law enforcement agencies and central and local authorities has now been strengthened.

446. In the first six months of 2011, the procuratorial authorities, having studied the causes of and circumstances leading to violations of the Act, made 1,423 submissions to State bodies instructing them to remedy such violations, 577 protests against decisions of bodies and officials that ran counter to the Act, and 563 warnings to officials on the inadmissibility of violations of the Act. A total of 2,699 persons incurred disciplinary, administrative or financial liability, and criminal proceedings for serious violations of the Act were brought against 15 people.

447. The procuratorial authorities pay particular attention to communications from citizens concerning violations of the rights of minors. During the aforementioned period, they issued responses in 24,000 such cases; 20,000 officials incurred disciplinary, administrative or financial liability; voluntary compensation in the amount of 212.2 million sum was paid; and 462 criminal cases were instituted.

448. The procuratorial authorities received 65,827 communications from citizens and directly reviewed and resolved 26,381 of them; 54,139 citizens were received in person, and their rights were restored in accordance with the procedure established by law.

449. As part of efforts to explain the provisions of the Citizens' Communications Act and other laws, the procuratorial authorities have held 69,088 awareness-raising events and organized 12,583 media appearances, including 3,702 on television.

450. The procuratorial authorities organize and regularly carry out reviews of citizens' complaints and communications concerning unlawful acts by law enforcement officers.

451. During the period 2008–2010 and the first six months of 2011, 10,226 complaints and communications in this category were received, 428 of which concerned the use of torture. Following review of these 428 complaints of torture, 27 criminal cases were instituted, investigated and brought to court, and the perpetrators were punished accordingly.

452. With a view to preventing the unlawful treatment of convicted and remand prisoners, the procuratorial authorities review the lawfulness of detention of persons in

temporary holding facilities of the internal affairs agencies every 10 days. In addition, procurators review the detention of persons in remand centres once a month, at which time they review complaints and petitions received from convicted and remand prisoners. Where they discover violations of the law, they take appropriate action.

453. In accordance with the recommendations of the Committee against Torture (para. 12), efforts have been made to review practice with regard to the investigation of complaints of torture and unlawful treatment, to convict and punish the perpetrators and to suspend persons accused of committing offences under article 235 of the Criminal Code.

454. Analysis of data for the period 2004–2008 shows that the courts heard criminal cases against 45 individuals, 25 of whom were sentenced to long terms of imprisonment, 5 were sentenced to punitive deduction of earnings and 13 were released under an amnesty.

455. During 2008, the Procurator-General's Office received 2,222 complaints and communications concerning unlawful acts by law enforcement officers. That figure was 163 fewer than in 2007 (2,385). A total of 1,643 complaints and communications (1,728 in 2007) concerned staff of the Ministry of Internal Affairs, 29 (42) concerned staff of the Department for Combating Tax and Currency Crimes and Money Laundering, 195 (207) staff of the State Tax Committee, 60 (96) staff of the State Customs Committee, 7 (4) staff of the National Security Service and 104 (91) staff of the courts.

456. Of the total number of complaints and communications received, 104 (189) concerned the use of torture or other unlawful treatment, 12 (29) concerned unlawful detention, 5 (3) incorrect use of preventive measures and 18 (12) unlawful searches and confiscations.

457. As a result of the reviews carried out, nine criminal cases were brought against law enforcement officers in connection with complaints of torture and other unlawful treatment of citizens, and the officers concerned were suspended in accordance with the law in force.

458. In six criminal cases brought to court in 2008, none of the law enforcement officers prosecuted for the use of torture or other cruel, inhuman or degrading treatment evaded legal punishment.

459. In 2010, the procuratorial authorities registered 3,317 complaints and communications concerning unlawful acts by law enforcement officers (3,089 in 2009). A total of 2,674 (2,377) complaints and communications concerned staff of the Ministry of Internal Affairs, 277 (289) staff of the State Tax Committee, 131 (89) staff of the Ministry of Justice, 73 (57) staff of the State Customs Committee, 60 (109) staff of the courts, 29 (41) staff of the Department for Combating Tax and Currency Crimes and Money Laundering, 20 (37) procuratorial staff, 4 (3) staff of the National Security Service and 49 (87) staff of other bodies.

460. Of the total number of registered complaints and communications, 92 (146) concerned the use of torture or other degrading treatment. In the course of review of these complaints, 7 criminal cases (7 in 2009) concerning 10 law enforcement officers were brought under article 235 of the Criminal Code.

461. In the first three months of 2011, 758 complaints were submitted, 14 of which concerned the use of torture or other unlawful treatment, and 1 criminal case was investigated and brought to court.

462. The internal affairs agencies are taking consistent action to prevent and eradicate torture. Pursuant to Ministry of Internal Affairs Order No. 43 of 7 February 2003, a single procedure is in operation in all units of the Ministry of Internal Affairs for the registration of all communications from citizens, including complaints and petitions concerning the use of prohibited methods of investigation and treatment of remand prisoners or those detained

in penal institutions. Such communications are subjected to a special verification procedure carried out by senior officials.

463. Pursuant to Order No. 173 of 16 December 2008, the Central Commission on Respect for Human Rights in the Internal Affairs Agencies, headed by the Minister of Internal Affairs, operates within the Ministry of Internal Affairs, and similar commissions have been established in all local internal affairs agencies. At its meetings each month, the Commission discusses the outcome of the work of internal affairs units and local internal affairs agencies with regard to the observance of human rights protection, including work connected with citizens' communications; the circumstances in which members of the public are received by senior officials; and the availability and condition of rooms for receiving members of the public. The Commission also hears about the findings of monitoring of the observance of civil rights. Every internal affairs agency has a box for complaints.

464. Senior officials of the Ministry of Internal Affairs carry out a thorough review of every identified case of the use of physical force, ill-treatment or violation of the rights and legal interests of the aforementioned persons. The perpetrators are subjected to severe disciplinary measures; they are usually dismissed from the internal affairs agencies, and the official review file must be handed over to the procuratorial authorities.

Complaints received by the internal affairs agencies

	2009	*2010*	*2011 (first half)*
1. Total number of complaints received by the Ministry of Internal Affairs and its local units	1 639	1 467	1 490
2. Complaints of violations of prisoners' rights	2	3	3
3. Complaints of torture	17	9	13
4. Complaints of omissions by the internal affairs agencies	26	10	13
5. Complaints of unlawful arrest or detention	22	10	4
6. Complaints of prosecution of innocent persons	10	13	3
7. Complaints of abuse of official position	73	31	26
8. Complaints of negligence	34	28	19
9. Complaints of abuse of authority	79	38	28
10. Complaints of violations of the Citizens' Communications Act	143	84	90
11. Complaints of other violations	1 210	1 225	1 280

Outcome of review of complaints received by the Ministry of Internal Affairs

		2009	*2010*	*2011 (first half)*
1.	Removal from post	30	21	10
2.	Dismissal from internal affairs agencies	55	47	25
3.	Disciplinary measures	384	248	188
4.	Transfer of file to procuratorial authorities	62	33	39

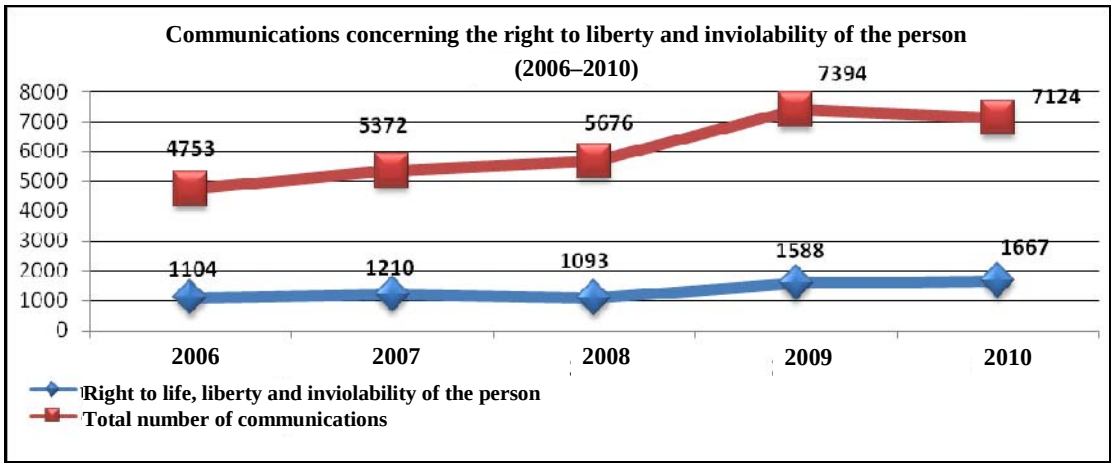
465. In Uzbekistan, particular attention is paid to the prevention of torture and other forms of ill-treatment against military personnel.

466. All complaints, including complaints of the use of torture against detainees and remand prisoners and complaints by persons under investigation or their relatives or lawyers, are entered in the register of complaints and communications concerning offences (under "form 1") of the Military Procurator's Office and are reviewed in accordance with article 329 of the Code of Criminal Procedure.

467. During the period 2008–2011, no complaints of torture were received by the military procuratorial authorities; therefore no such communications were reviewed.

468. However, one criminal case investigated by the Military Procurator's Office was heard by the Supreme Court of the Republic of Qoraqalpog'iston. Three members of staff of the Ministry of Internal Affairs in the Republic of Qoraqalpog'iston were accused of an offence under article 235, paragraph 2 (c), of the Criminal Code. In 2009, the Court granted one of the persons in question an amnesty, and the other two were sentenced to deprivation of liberty for different periods.

469. Analysis of citizens' complaints and petitions filed with the Ombudsman reveals a trend of yearly growth in the number of communications from citizens concerning safeguarding of the right to liberty and inviolability of the person. In 2009, citizens' complaints in this category represented 21.5 per cent of the total; in 2010, the figure was 23.4 per cent.



470. In 2010, 51 communications were filed concerning the use of prohibited methods; 37 were accepted for consideration and, in 2 cases, the claims made by the complainants were upheld. A total of 27 of the complaints concerning the use of prohibited methods were filed by women and 24 by men. With a view to resolving these complaints and taking appropriate action in response, 45 communications accepted for consideration by the Ombudsman were forwarded to the Procurator-General's Office and 10 were forwarded to the Ministry of Internal Affairs.

471. In the first nine months of 2011, 27 communications concerning the use of prohibited methods were filed and accepted for consideration; 2 of them were resolved positively. Women filed 12 of these communications and men filed 15. A total of 24 communications accepted for consideration by the Ombudsman were forwarded to the Procurator-General's Office to be addressed, and 12 were forwarded to the Ministry of Internal Affairs.

Complaints received by the Ombudsman

Category of citizens' communications	*2010*			*2009*			*2008*		
	Total received	*Accepted for consideration*	*Resolved positively*	***Total received***	*Accepted for consideration*	*Resolved positively*	***Total received***	*Accepted for consideration*	*Resolved positively*
Objection to arrest or remand in custody	**120**	110	9	**92**	59	9	**19**	12	-
Objection to criminal prosecution	**344**	221	24	**201**	119	14	**229**	136	7
Transfer of convicted or remand prisoners	**23**	22	-	**21**	15	-	**18**	3	-
Amnesty and pardon	**192**	54	3	**211**	71	8	**192**	30	2
Provision of medical care to convicted prisoners	**23**	15	1	**8**	8	-	**7**	4	-
Unlawful acts of prison service staff	**16**	17	2	**11**	7	-	**8**	1	-
Objection to acts of law enforcement officers	**496**	329	69	**541**	293	40	**268**	190	12
Objection concerning procedure or conduct of investigation	**322**	221	38	**495**	310	44	**270**	117	19
Change to preventive measure	**13**	9	-	**1**	-	-	**10**	-	-
Extradition	**13**	2	1	**7**	4	-	**2**	2	-
Human trafficking	**54**	41	11	**-**	-	-	**-**	-	-
Objection to use of prohibited investigation methods	**51**	37	2	**-**	-	-			
Total	**1 667**	**1 078**	**160**	**1 588**	**886**	**115**	**1 093**	**495**	**40**

472. A geographical breakdown of citizens' communications received in 2010 shows that the largest number came from Surxondaryo province (14 per cent), the city of Tashkent (13 per cent), Qashqadaryo province (12 per cent), Tashkent province (11 per cent) and Samarqand province (9 per cent). The smallest number came from Sirdaryo province and the Republic of Qoraqalpog'iston (3 per cent).

Citizens' communications: breakdown by region

		Objection to criminal prosecution	*Transfer of convicted or remand prisoners*	*Amnesty and pardon*	*Provision of medical care to convicted prisoners*	*Unlawful acts of prison service staff*	*Objection to acts of law enforcement officers*	*Objection concerning procedure or conduct of investigation*	*Change to preventive measure*	*Extradition*	*Human trafficking*	*Objection to use of prohibited methods*	***Total***
Andijon province	2	28	2	27	2	1	19	11	1	1	2	1	**97**
Buxoro province	8	20	-	5	1	-	16	9	1	-	2	2	**64**
Jizzax province	7	17	-	11	3	-	19	13	1	-	3	3	**77**
Qashqadaryo province	9	28	2	11	5	1	57	47	-	2	11	10	**183**
Navoiy province	8	24	1	5	3	-	25	10	2	1	3	3	**85**
Namangan province	7	25	2	12	-	1	17	6	1	1	1	1	**74**
Samarqand province	9	19	1	12	2	2	35	43	1	4	4	6	**138**
Surxondaryo province	15	35	2	27	4	3	59	45	2	2	11	8	**213**

		Objection to criminal prosecution	*Transfer of convicted or remand prisoners*	*Amnesty and pardon*	*Provision of medical care to convicted prisoners*	*Unlawful acts of prison service staff*	*Objection to acts of law enforcement officers*	*Objection concerning procedure or conduct of investigation*	*Change to preventive measure*	*Extradition*	*Human trafficking*	*Objection to use of prohibited methods*	***Total***
Sirdaryo province	3	11	3	6	-	-	17	7	2	-	1	1	**51**
Tashkent province	14	32	3	15	1	2	61	28	1	1	2	2	**162**
Farg'ona province	4	11	2	19	1	1	13	9	-	1	3	3	**67**
Xorazm province	3	12	-	7	-	-	8	11	-	-	9	7	**57**
City of Tashkent	25	41	5	27	1	3	128	73	1	-	2	2	**308**
Republic of Qoraqalpog'iston	3	17	-	3	-	1	18	7	-	-	-	1	**50**
Foreign citizens	3	9	-	1	-	-	3	1	-	-	-	-	**17**
Received from convicted prisoners	-	15	-	4	-	1	1	2	-	-	-	1	**24**
Total	**120**	**344**	**23**	**192**	**23**	**16**	**496**	**322**	**13**	**13**	**54**	**51**	**1 667**

473. The Ombudsman focuses on issues concerning the observance of legality and human rights in the penal correction system.

474. In 2010, the Ombudsman received 43 communications from persons serving sentences in detention facilities, 38 of which were accepted for consideration.

475. A total of 20 complaints from convicted prisoners concerned the safeguarding of the right to liberty and inviolability of the person, 2 of which were resolved positively.

476. Communications from citizens held in detention facilities or their relatives concern the transfer of convicted prisoners to other places of detention; the granting of amnesty; substandard medical care; objections to acts of prison staff; unwarranted imposition of disciplinary measures; unwarranted use of special measures; failure to dispatch postal correspondence; unwarranted refusal by the prison administration to apply to the courts for parole; and refusal by the prison administration of visits by family and friends.

477. There have been violations of the rights of inmates of penal institutions to communicate and have contact with the outside world. When prisoners are located far from their relatives' place of permanent residence, this makes it particularly difficult for them to maintain relationships with their families, relatives and friends. The Ombudsman has received 22 communications concerning prisoner transfer, 21 of which have been accepted for consideration.

478. Since 10 December 2004, an agreement on cooperation between the Ombudsman and the Ministry of Internal Affairs has been in force, under which joint measures are taken to safeguard and protect the rights of accused persons and convicts, to meet and talk with detainees and remand prisoners, and to review complaints and communications with a view to restoring violated civil rights.

479. With a view to continued cooperation and the implementation of the National Plan of Action for the implementation of the Convention against Torture, and pursuant to article 4 of the cooperation agreement, draft regulations relating to representatives of the Ombudsman in penal institutions have been drawn up. Preliminary consultations have resulted in a plan to appoint representatives of the Ombudsman for the rights of detainees

and convicted prisoners to three penal institutions for female and juvenile prisoners and the remand centre in the city of Buxoro.

480. With regard to the observation of the Committee against Torture (para. 14) concerning the detention of representatives of human rights organizations, a review found that, during the period in question, the procuratorial authorities received communications from international organizations, in particular the Human Rights Committee, and also alternative reports from international human rights organizations, such as the Human Rights Alliance of Uzbekistan and Amnesty International, alleging that so-called "human rights defenders" had been unlawfully prosecuted for their work and that prohibited methods of treatment had been used against them.

481. The review found that the allegations of the so-called "human rights defenders" were unfounded, were not based on reliable information and were aimed at diminishing the country's image in the international arena and discrediting the judicial and legal reforms under way in Uzbekistan. No "human rights defenders" have been prosecuted for their work in Uzbekistan.

482. The work of some non-governmental non-profit organizations has been stopped through the courts, generally on the basis of a submission from the registration authorities, i.e. the judicial authorities, which are responsible for ensuring that such organizations' statutory documents are in order and for monitoring compliance with domestic law. In fact, these organizations were not actually carrying out their work; that is, they were listed in the register as legal persons and had bank accounts, but were not carrying out the tasks referred to in their statutes, did not have elected bodies, and either had no staff or the staff were inactive. Consequently, these organizations were not reporting either to the registration authorities or to the tax authorities.

Article 16

483. As part of its international obligations connected with implementation of the Convention against Torture, Uzbekistan is taking legislative, administrative and other steps to prevent not only torture but also other instances of cruel, inhuman or degrading treatment or punishment. During the period 2008–2010, key steps were taken to liberalize and humanize the most important elements of the judicial and legal system: the death penalty was removed from the Criminal Code as the ultimate penalty; the Prevention of Human Trafficking Act and the Rights of the Child (Safeguards) Act were adopted; work began on preparing a policy framework for a bill on states of emergency; and consistent action is being taken, inter alia, to prevent and eradicate domestic violence and the worst forms of child labour.

484. Since the earliest years of independence, Uzbekistan has been steadily reducing the number of articles of the Criminal Code providing for the death penalty, in accordance with general comment No. 6 of the Human Rights Committee.

485. Until 1998, 13 articles of the Criminal Code provided for execution as the ultimate criminal penalty. The Oliy Majlis adopted an act of 29 August 1998 abolishing the death penalty for offences under the following five articles: article 119, paragraph 4 (gratification of unnatural sexual desires by force); article 152 (violation of the laws and customs of war); article 158, paragraph 1 (attempt on the life of the President); article 242, paragraph 1 (organization of a criminal association); and article 246, paragraph 2 (smuggling).

486. Under an act of 29 August 2001, the death penalty was stipulated in the Criminal Code for only four offences: aggravated homicide (art. 97, para. 2); aggression (art. 151, para. 2); genocide (art. 153); and terrorism (art. 155, para. 3).

487. On 13 December 2003, the Oliy Majlis removed the death penalty from two more articles of the Criminal Code: article 151 (aggression) and article 153 (genocide). The Criminal Code now contained only two articles stipulating the death penalty: article 97, paragraph 2 (aggravated homicide), and article 155, paragraph 3 (terrorism causing death or other serious consequences).

488. Presidential Decree No. UP-3641 abolishing the death penalty in the Republic of Uzbekistan was adopted on 1 August 2005; it provided for the abolition of the death penalty as a form of criminal punishment from 1 January 2008 and its replacement by long-term or life imprisonment.

489. Since the date of adoption of this Presidential Decree, not a single death sentence has been carried out; in other words, there has been a de facto moratorium on judicial executions.

490. On 11 July 2007, the Oliy Majlis adopted the Act on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the abolition of the death penalty. The corresponding amendments were made to the Criminal Code (arts. 15, 43, 50, 51, 58, 59, 60, 64, 69, 73, 76, 97 and 155). The death penalty was replaced by life imprisonment for two crimes: aggravated homicide (art. 97, para. 2) and terrorism causing death or other serious consequences (art. 155, para. 3).

491. Women, minors and men aged over 60 may not be sentenced to long-term or life imprisonment. The Criminal Code also provides for the possibility of pardon for persons sentenced to life imprisonment once they have served 25 years of their sentence.

492. Uzbekistan supports the Committee against Torture in its call (para. 19) for intensified efforts to eliminate all forms of violence against women. This support is being given effect in a number or ways:

(a) Ratification of international legal instruments governing the protection of women and girls from violence. Since it became independent, Uzbekistan has acceded to more than 70 international human rights instruments, which also concern the rights of women;

(b) Prohibition of any form of violence against human beings, including women and girls, is established in the Constitution, the Rights of the Child (Safeguards) Act and the Prevention of Human Trafficking Act;

(c) The Criminal Code establishes liability for crimes against the life, health and sexual freedom of human beings, including women and girls. Where crimes of this type are committed against women and girls, this constitutes an aggravating circumstance;

(d) Steps are being taken to improve the Family Code and the Criminal Code and to adopt special legislation on violence against women that provides for the necessary pretrial and judicial protection of female victims and children and also criminalizes such acts of violence;

(e) On 20 April 2010, the Deputy Prime Minister established a working group under the Women's Committee to study international experience in the prevention of violence against women, for the purpose of preparing a policy framework for a bill on the prevention of domestic violence.

493. In 2008, research was carried out with regard to analysing legislation on violence against women, on the basis of which specific recommendations were drawn up.

494. Policy support for efforts to combat violence against women is based, inter alia, on: the National Plan of Action for the implementation of the recommendations made by the Committee on the Elimination of Discrimination against Women following consideration of

the fourth periodic report of Uzbekistan on implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2010); the National Plan of Action for the implementation of the recommendations made by the Human Rights Council following consideration of the national report of Uzbekistan in the context of the universal periodic review (2009); the National Plan of Action for the implementation of the recommendations made by the Human Rights Committee following consideration of the third periodic report under the International Covenant on Civil and Political Rights; the National Plan of Action to improve the effectiveness of efforts to prevent human trafficking for 2008–2010; and the National Plan of Action for the implementation of ILO Conventions Nos. 138 and 182.

495. The Women's Committee regularly studies the causes and consequences of all forms of violence against women. Statistics show that 3,924 individuals were prosecuted for acts of violence against women and girls in 2007, 4,373 in 2008 and 1,817 in 2009.

496. Analysis of criminal cases concerning violence against women in 2010 and the first three months of 2011 shows that, during that period, the courts heard 270 criminal cases against 354 individuals. In 222 of these cases, 293 individuals were convicted; 43 trials were halted without exoneration of the 60 individuals involved; and 1 case was referred for further investigation.

497. Sentencing practice shows that courts usually impose custodial penalties on persons convicted of offences in this category. Of a total of 293 individuals convicted, 7 were fined, 38 were sentenced to punitive deduction of earnings, 4 were sentenced to rigorous imprisonment, 34 were given a suspended sentence and 200 were sentenced to various terms of imprisonment. A total of 11 defendants were released under an amnesty.

498. In accordance with the Citizens' Communications Act, units of the crime prevention department register all communications from women concerning any forms of violence against them; the claims contained in these communications are then subjected to initial inquiry and verification. Where a case of violence against a woman is confirmed, the initial inquiry file is immediately passed on to the pretrial investigation units of the internal affairs agencies.

499. The relevant departments of the Ministry of Health and the Women's Committee are responsible, on an ongoing basis, for the social welfare of women who need support and protection from violence.

500. Special entities have been set up in Uzbekistan to provide assistance to victims of violence: crisis centres, telephone helplines and centres for the social adaptation of women are in operation in various regions of the country and provide counselling, medical care and legal assistance to women victims of violence. The National Rehabilitation Centre to Assist and Protect Victims of Human Trafficking has been established in Tashkent, providing assistance to women and girls who have been subjected to sexual exploitation. Steps are currently being taken to establish regional rehabilitation centres for victims of human trafficking. The Non-Governmental Centre for the Support of Civil Initiatives has established a women's inquiry service in the cities of Tashkent, Qo'qon and Navoiy, which provides legal assistance and counselling to women with family problems.

501. There is a plan to establish a national centre for social and legal assistance to women and their families in Tashkent, under the Women's Committee.

502. There are 10 major centres for the social adaptation of women and their families in Uzbekistan, which provide counselling and legal and social assistance to victims of violence and also support women's training and employment. They are located in Andijon, Namangan, Farg'ona, Jomboy, Qashqadaryo, Surxondaryo, Jizzax, Paxtakor, Xorazm, Navoiy and Sirdaryo. Almost all these centres have a telephone helpline.

503. Under the programme of the permanent commission established under the Cabinet of Ministers on 5 February 2005 on measures to improve the social and spiritual environment in the family, telephone helplines have been set up by district, city and provincial women's committees. For example, in Xorazm province, 11 such helplines have been set up, which have been contacted by 642 members of the public; in Qashqadaryo province, there are 16 helplines which have received 686 calls; and in the city of Tashkent, there are 14 helplines which have received 2,989 calls.

504. A broad campaign is being conducted in Uzbekistan to raise public awareness of the nature and forms of violence against women, and a debate is under way on the main ways and means of preventing domestic violence. Public servants, internal affairs officers, judges, social workers and representatives of local authorities are studying international standards for the prevention of domestic violence. In 2010, the Women's Committee, together with national and international partners, organized 23 regional workshops on the subject of strengthening legal safeguards of women's rights in family life.

505. Non-governmental non-profit organizations, clubs and associations, the media, jurists, and activists from the medical and social work professions and trade unions are actively involved in education and outreach work.

506. On 26 February 2009, a workshop took place on the role of the media in expanding opportunities for women and girls in Uzbekistan, and from 2 to 4 April 2009, a workshop for media representatives on the role of the media in the realization of women's rights took place in Farg'ona, organized by the International Centre for the Retraining of Journalists.

507. On 26 June 2009, a round table organized by the Ministry of Justice took place on preventing human trafficking and improving the mechanisms for providing assistance to victims.

508. From 22 to 26 October 2009, a workshop on training staff and advisers for women's inquiry services in the cities of Tashkent, Qo'qon and Navoiy was organized by the Centre for the Support of Civil Initiatives, in conjunction with Marta Resource Centre for Women (Latvia) and Formaper, a special agency of the Milan Chamber of Commerce and Industry (Italy), in a consortium with the Italian Coordination of the European Women's Lobby (Italy).

509. On 13 January 2010, the Women's Committee and the Ministry of Justice held a round table on the Convention on the Elimination of All Forms of Discrimination against Women and legal safeguards of women's rights in Uzbekistan; the participants discussed the prerequisites in Uzbek law for the preparation of a bill on the prevention of violence against women. On 12 and 13 May, 19 and 20 May and 21 July 2010, the National Centre for Human Rights, the Women's Committee and the Centre for the Support of Civil Initiatives, supported by the United Nations Population Fund (UNFPA), held round tables in the cities of Samarqand, Buxoro and Tashkent on strengthening legal safeguards of women's rights in Uzbekistan, and on 28 May 2010, the Women's Committee, in conjunction with the higher training courses for staff of the procuratorial authorities and the National Centre for Human Rights, held a round table on legal tools for combating violence against women. On 29 June 2010, an international conference took place on the subject of international experience in strengthening safeguards of equal rights and opportunities for women and men, organized by the National Centre for the Social Adaptation of Children and the Procurator-General's Office, during which the major provisions of the bill on the prevention of violence against women were discussed.

510. Uzbekistan regularly submits information on efforts to combat violence against women to the United Nations and the international treaty bodies. As part of the international campaign to collect comprehensive information on violence against women, Uzbekistan has provided, inter alia, responses to the questionnaire for the Secretary-

General's coordinated database on violence against women; responses to surveys on the prevention of violence against women by the special rapporteur Ms. Nadia Taher; and responses to questions on the implementation of General Assembly resolutions 62/136 on improvement of the situation of women in rural areas and 62/206 on women in development.

511. Since 2008, in line with the recommendations of the Committee against Torture (para. 20), Uzbekistan has been taking consistent action to combat human trafficking at the legislative, policy and institutional levels.

512. The Prevention of Human Trafficking Act, which defines the concept of human trafficking, was adopted on 17 April 2008. Pursuant to article 3 of the Act, human trafficking means recruiting, transporting, transferring, concealing or receiving a person for purposes of exploitation by means of the threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power or of a person's vulnerability, or by means of bribery in the form of payments or benefits to obtain the consent of a person who controls another person. Exploitation of human beings means exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of human organs or tissue.

513. The Act also specifies the list and powers of State bodies responsible for preventing, detecting and suppressing human trafficking, minimizing its impact and providing assistance to victims. These bodies include the Ministry of Internal Affairs, the National Security Service, the Ministry of Foreign Affairs, the Ministry of Health and other State bodies.

514. The Act designates the National Interdepartmental Commission against Human Trafficking, which has regional offices, as the coordinating body for the work of the State bodies responsible for preventing human trafficking.

515. The Act governs the provision of legal assistance, counselling and medical care to victims of human trafficking, support for their occupational rehabilitation and employment, provision of temporary housing and also security measures for victims who assist in identifying persons suspected of human trafficking.

516. With a view to organizing the implementation of the Prevention of Human Trafficking Act, a Presidential Decision on measures to improve the effectiveness of efforts to prevent human trafficking was adopted on 8 July 2008, approving the National Plan of Action to improve the effectiveness of efforts to prevent human trafficking for 2008–2010, the regulations for the National Interdepartmental Commission against Human Trafficking, and the membership of the Commission, which is headed by the Procurator-General.

517. Under the Act on amendments and additions to the Criminal Code in connection with the adoption of the Prevention of Human Trafficking Act, article 135 of the Criminal Code was amended to read as follows:

> "Human trafficking — buying or selling a human being or recruiting, transporting, transferring, concealing or receiving a person for purposes of exploitation — shall be punishable with deprivation of liberty for 3 to 5 years.
>
> The same actions if committed:
>
> (a) By means of kidnapping, use or threat of force or other forms of coercion;
>
> (b) In relation to two or more persons;
>
> (c) In relation to a person known by the perpetrator to be in a helpless condition;

(d) In relation to a person who is materially or otherwise dependent on the perpetrator;

(e) Repeatedly or by a dangerous recidivist;

(f) By a group of persons by prior conspiracy;

(g) Through abuse of official position;

(h) With transfer of the victim across the national border of the Republic of Uzbekistan or with the victim's illegal detention abroad;

(i) With the use of forged documents or with confiscation, concealment or destruction of documents certifying the identity of the victim;

(j) For the purpose of receiving organs for transplant;

shall be punishable with deprivation of liberty for 5 to 8 years.

The same actions if:

(a) Committed in relation to a person known by the perpetrator to be under 18 years of age;

(b) Resulting in the death of the victim or other serious consequences;

(c) Committed by a particularly dangerous recidivist;

(d) Committed by an organized group or in its interests;

shall be punishable with deprivation of liberty for 8 to 12 years."

518. Pursuant to a Cabinet of Ministers decision of 5 November 2008, the National Rehabilitation Centre to Assist and Protect Victims of Human Trafficking was established under the Ministry of Labour and Social Security with 30 beds; the decision also specified the Centre's functions and regulations and the financial basis for its work.

519. On 24 November 2009, the plenum of the Supreme Court adopted a Decision on judicial practice in cases of human trafficking, which explained the meaning and content of article 135 of the Criminal Code, "Human trafficking", and drew judges' attention to the fact that this type of offence is characterized by the exploitation of persons and forced labour, as well as other elements.

520. On the basis of the legislation adopted, systematic efforts are being made to prevent human trafficking, including where its purpose is the sexual exploitation of women.

521. According to statistical data, the total number of criminal cases brought by the pretrial investigation agencies under article 135 of the Criminal Code during the period 2008–2010 and the first seven months of 2011 was 2,957. The figure for 2008 was 670; for 2009, it was 1,242; and for 2010, 718. For the first seven months of 2011, the figure was 327, and for the same period the previous year, it was 430.

522. A total of 3,136 individuals have been prosecuted in criminal cases involving human trafficking.

Categories of individuals prosecuted under article 135 of the Criminal Code and recognized victims (by sex)

Victims				Individuals prosecuted			
Period	Women	Men	*Total*	Period	Women	Men	*Total*
2008	**324**	**2 617**	2 941	**2008**	**195**	**452**	647

Victims				Individuals prosecuted			
Period	Women	Men	*Total*	Period	Women	Men	*Total*
2009	**644**	**4 016**	4 660	**2009**	**403**	**839**	1 242
2010	**499**	**1 826**	2 325	**2010**	**342**	**505**	847
2011 (first 7 months)	**283**	**720**	1 003	**2011 (first 7 months)**	**224**	**176**	400
Total			10 929	Total			3 136

523. In the first seven months of 2011, 28 minors were recruited for purposes of sexual exploitation by human traffickers, 15 of whom were residents of the city of Tashkent and 3 of Andijon province; there were 2 each from the Republic of Qoraqalpog'iston and Sirdaryo and Tashkent provinces, and 1 each from Buxoro, Samarqand, Surxondaryo and Xorazm provinces.

524. A modern building for the Rehabilitation Centre was constructed in a short period of time in the city of Tashkent and entered operation on 18 November 2009. Its work is based on the principles of prohibition of discrimination against victims of human trafficking, confidentiality of private and personal life, social and legal support, and individual care for the victims of human trafficking.

525. Internal affairs officers have referred more than 550 victims of human trafficking to the Centre since it opened, 434 of whom have undergone special courses of treatment. A total of 168 women have undergone special courses of treatment at the Centre, 154 of whom had been subjected to sexual exploitation.

526. Study of the causes of and circumstances leading to sexual exploitation has shown that the women concerned are usually victims of deception and rely on obtaining well-paid work in the service, food or manufacturing industries in foreign countries. The women recruited are from socially vulnerable groups and are in need of money. The recruiters are often friends or acquaintances of the future victims who gain their trust, and also women who have previously engaged in sexual exploitation in foreign States.

527. Staff of the Office for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs, together with other units of the Ministry and local internal affairs agencies dealing with the prevention of human trafficking, particularly trafficking in women, organize conferences, workshops and round tables in educational and training institutions, makhallas, organizations and companies.

528. In total, 61 conferences, workshops and round tables were held in 2009, 46 in 2010 and 41 in the first seven months of 2011. In 2010, 79,372 meetings, talks and lectures were held on legal subjects, including the prevention of crime among minors and young people and the protection of women's rights. Of these, 24,310 were conducted with the public in the makhallas where they live, 720 with higher education students, 11,632 with students of academic high schools and vocational colleges, and 43,610 with school pupils. There were 2,481 media appearances, including 614 on the television, 1,095 on the radio and 772 in newspapers and magazines.

529. In 2011, 41,394 meetings, talks and lectures were held on legal subjects, including the prevention of crime among minors and young people and the protection of women's rights. Of these, 10,062 were conducted with the public in the makhallas where they live, 292 with higher education students, 6,743 with students of academic high schools and vocational colleges, and 24,297 with school pupils. These events were widely reported in the media.

530. On 30 and 31 May 2008, a workshop on improving Uzbek law in connection with the implementation of the Prevention of Human Trafficking Act was held at the UNODC Regional Office for Central Asia. On 29 March 2010, the Women's Committee held a training workshop on assistance to and further rehabilitation of victims of crimes connected with human trafficking under the domestic law of Uzbekistan.

531. The National Interdepartmental Commission against Human Trafficking holds regular meetings to monitor the situation with regard to combating human trafficking in individual regions of the country. For example, on 14 April 2010, the situation in Navoiy and Jizzax provinces was discussed.

532. Non-governmental non-profit organizations, such as the Women's Committee, the Council of the Federation of Trade Unions, the *Makhalla* foundation, the *Kamolot* youth movement and the *Istikbolli avlod* youth information centre, are actively involved in the prevention of human trafficking.

533. The *Kamolot* movement carries out specific work to prevent human trafficking, particularly among young people and women, on the basis of a special action plan to prevent and combat human trafficking, the main focus of which is to improve the legal knowledge of young people and parents and to provide information on human trafficking and its consequences.

534. For the purpose of giving careers guidance to young people living in remote rural areas and assisting them with finding employment, social service centres for young people have been established in the provincial, city and district departments of the council of the *Kamolot* movement. To date, there are 97 such centres, within which 331 clubs operate.

535. More than 250,000 people received vocational training in these clubs in 2006–2010, and more than 36,243 in the first half of 2011; 57 per cent of these were girls.

536. In 2011, the *Nuronii* foundation, *Kamolot*, the Women's Committee, internal affairs departments and *Istikbolli avlod* held meetings and round tables on the themes of "Don't be sold into slavery", "Be on your guard" and "Stand up to slavery". The videos *Adashganlar kismati* and *Zhakholat changalida* were also shown, and five different booklets were distributed to round-table participants. The *Makhalla* foundation provided counselling to 255 victims of human trafficking and social assistance to more than 330 victims, in the amount of 46,623,000 sum.

537. The television and radio programmes *Khaët va konun*, *Bir zhinoyat izidan* and *Konun khimoyasida*, the television and radio information programmes *Okshom tulkinlarida* and *Akhborot*, and the *Ogokh buling* special television and radio clips deal with issues relating to torture, violence and human trafficking, particularly involving women and children. Television channels also produce and broadcast special programmes on these subjects.

538. The television and radio programmes *Odil sud*, *Khaët va konun*, *Bir zhinoyat izidan*, *Konun khimoyasida*, *Parlament vakti*, *Parlament faoliyati*, *Kalkon*, *Usmir*, *Istemolchi*, *Sizning advokatingiz* and *Radioadvokat*, and the television and radio information programmes *Okshom tulkinlarida* and *Akhborot*, deal with legal and human rights issues and are aimed at all sectors of the population.

539. All these television and radio programmes are broadcast in Uzbek and Russian.