



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the fifth periodic report of Uzbekistan\*

1. The Committee considered the fifth periodic report of Uzbekistan (CCPR/C/UZB/5) at its 3690th and 3691st meetings (see CCPR/C/SR.3690 and 3691), held on 2 and 3 March 2020. On 27 March 2020, the Committee adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Uzbekistan and the information presented therein. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/UZB/RQ/5) to the list of issues (CCPR/C/UZB/Q/5), which were supplemented by the detailed responses provided by the delegation, and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures adopted by the State party:

(a) The Guarantees of Equal Rights and Opportunities for Women and Men Act and the Protection of Women from Harassment and Violence Act, in 2019;

(b) Amendment of article 15 of the Family Code to establish the same marriageable age for women and men at 18 years, in 2019;

(c) Amendments to the Ombudsman Act to expand its powers to allow it to receive complaints from persons deprived of liberty and to serve as the national preventive mechanism, in 2017 and 2019;

(d) Decree on measures to fundamentally enhance the role of civil society institutions in the process of democratic renewal of the country, in 2018;

(e) Establishment of the Economic Crimes and Corruption Unit as part of the Economic Crimes Department of the Office of the Procurator-General, in 2018;

(f) The Anti-Corruption Act, in 2017;

(g) Presidential decree on the establishment of the Supreme Judicial Council, in 2017;

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\* Adopted by the Committee at its 128th session (2–27 March 2020).



(h) The prohibition of the employment of underage workers in the cotton harvest, as well as the prohibition of the involvement of organizations of the health and education sector and the engagement of their employees as part of their work assignments, in 2017;

(i) Presidential decree prohibiting the use of evidence obtained in breach of the provisions of the Criminal Procedure Code, including through the use of torture or psychological and physical pressure, in 2017;

(j) Amendment to article 226 of the Criminal Procedure Code that limits the period during which a person may be detained without appearing before a judge to 48 hours, in 2017.

## C. Principal matters of concern and recommendations

### Views under the Optional Protocol

4. The Committee remains concerned about the State party's continuing failure to implement its Views under the Optional Protocol, in particular citing incompatibilities with national legislation, despite the fact that the Constitution recognizes the primacy of international law over national law (art. 2).

**5. The State party should take all necessary measures to ensure the implementation of all pending Views adopted by the Committee, through appropriate and effective mechanisms, so as to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant, in accordance with article 2 (3) of the Covenant. The State party should also ensure that national legislation is not interpreted in a way that constitutes an obstacle to the implementation of the Views of the Committee.**

### Anti-corruption measures

6. While welcoming the anti-corruption reforms and measures undertaken by the State party, the Committee remains concerned at reports of high rates of corruption and bribery, and regrets the lack of information on the investigations, prosecutions and convictions in corruption cases against high-level public officials. It is further concerned that national legislation does not criminalize all internationally recognized corruption offences and all mandatory elements of bribery offences (arts. 2 and 25).

**7. The State party should increase its efforts to prevent and eradicate corruption and impunity at all levels, including through the criminalization of all corruption offences and all mandatory elements of bribery offences. It should ensure that all cases of corruption are investigated, and that those responsible are appropriately tried and punished, taking account of the recommendations of the Conference of the States Parties to the United Nations Convention against Corruption regarding the Criminal Code, bribery and misappropriation of funds by public officials.**

### Anti-discrimination legal framework

8. The Committee remains concerned that the existing legal framework does not afford full and effective protection against direct, indirect and multiple discrimination in the public and private sectors and on all the grounds prohibited under the Covenant. It regrets the delegation's affirmation that there are no plans to adopt comprehensive anti-discrimination legislation (arts. 2 and 26).

9. **The State party should:**

**(a) Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under the Covenant, including colour, political or other opinion, national origin, property, birth, sexual orientation and gender identity or other status;**

**(b) Guarantee effective remedies for victims of discrimination in judicial and administrative proceedings.**

**Discrimination on the grounds of sexual orientation and gender identity**

10. The Committee remains concerned about continuing reports of discrimination, harassment and violence, including extortion, arbitrary arrest, torture and sexual abuse, against lesbian, gay, bisexual and transgender persons by State officials and private individuals, including in places of deprivation of liberty, and about the mandatory disclosure of private medical information. It is also concerned by the high level of impunity for these crimes, manifested in the lack of investigations into acts of violence against lesbian, gay, bisexual and transgender persons. The Committee also remains concerned that consensual same-sex relations between adult males continue to be criminalized under article 120 of the Criminal Code, which renders lesbian, gay, bisexual and transgender persons unable to report violence and discrimination against them for fear of prosecution. The Committee is further concerned about the lack of clarity in the procedure for legal recognition of gender reassignment and about reports that in practice such recognition requires hospitalization in a psychiatric clinic for a minimum of one month (arts. 2, 7, 17, 23 and 26).

**11. The State party should:**

**(a) Take effective measures to combat any form of social stigmatization, harassment, hate speech, discrimination or violence against persons based on their sexual orientation or gender identity, including by providing training for law enforcement personnel, prosecutors and the judiciary, and by conducting awareness-raising campaigns promoting sensitivity and respect for diversity among the general public;**

**(b) Ensure that cases of discrimination and violence against persons belonging to these groups that are committed by individuals or State agents are systematically investigated, that perpetrators are punished with appropriate penalties and that victims receive full reparation;**

**(c) Repeal article 120 of the Criminal Code;**

**(d) Eliminate unwarranted requirements for legal recognition of gender reassignment, including mandatory psychiatric hospitalization, as well as provide and effectively implement a quick, transparent and accessible gender recognition procedure on the basis of self-identification by the applicant.**

**Equality between men and women**

12. The Committee remains concerned by the persistent inequalities between women and men, including in employment, political and public life. In this respect, it is concerned at the continued low representation of women in the judiciary, the legislative and the executive bodies, especially in high-level decision-making positions. It is further concerned about the persistence of stereotypes regarding the place of women in society, including through the media (arts. 2, 3, 25 and 26).

**13. The State party should increase its efforts to combat discrimination in law and in practice against women and strengthen the measures taken to ensure equality between women and men in all spheres of society and life. It should take more robust legal and policy measures to effectively achieve, within specified time frames, an equitable representation of women in public and political life, particularly in decision-making positions, including in legislative and executive bodies and the judiciary at all levels, if necessary through appropriate temporary special measures, in order to give effect to the provisions of the Covenant. It should also develop and implement strategies to combat patriarchal attitudes and stereotypes on the roles and responsibilities of women and men in the family and society at large.**

**Violence against women**

14. While welcoming the measures taken to prevent violence against women, the Committee remains concerned: (a) about reports of forced and early marriage, and the persistence of de facto polygamy despite their prohibition by law; (b) that domestic violence and marital rape are not explicitly criminalized in the newly adopted relevant legislation; (c) that victims of domestic violence are forced to go to reconciliation meetings before filing for divorce; (d) about the limited protection afforded to victims of domestic violence and at the still insufficient psychological, social, legal and rehabilitative services provided to them and their families. The Committee regrets the lack of adequate information on the number of investigations, prosecutions and convictions of cases of violence against women (arts. 2, 3, 7, 23 and 26).

**15. The State party should strengthen its efforts to prevent and eliminate violence against women, including domestic violence, to inter alia:**

(a) **Ensure effective enforcement of legal provisions prohibiting forced and early marriage;**

(b) **Increase efforts to eliminate polygamy, including through systematic awareness-raising campaigns and programmes to sensitize society, and change attitudes, mentalities and stereotypes;**

(c) **Strengthen the legal framework for the protection of women against violence, including by explicitly criminalizing marital rape and domestic violence and by eliminating compulsory resort to reconciliatory mediation for victims of domestic violence during divorce proceedings;**

(d) **Ensure that cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective remedies and means of protection and assistance, including to accommodation or shelters in all parts of the country and to other support services;**

(e) **Conduct awareness-raising for the general public regarding violence against women, including domestic violence, and ensuring that police officers, prosecutors and judges receive appropriate training to effectively deal with such cases.**

**Human rights violations during the Andijan events**

16. The Committee reiterates its previous concern (CCPR/C/UZB/CO/4, para. 10) about the lack of a full, independent and effective investigation into the mass killings and injuries by military and security services during the Andijan events in May 2005 and regrets the State party's assertion that these events do not require any international investigation and that this matter is considered closed. It also regrets the lack of clear information on the compliance of the Firearms Act of 2019 with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (arts. 2 and 6).

**17. The State party should carry out an independent, impartial, thorough and effective investigation to ensure a full, transparent and credible account of the circumstances surrounding the Andijan events in 2005, with a view to identifying, prosecuting and punishing perpetrators and providing remedies for victims. It should also ensure that its regulations governing the use of firearms by law enforcement and security forces are fully compliant with the provisions of the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

**States of emergency**

18. The Committee regrets not having received information on the compliance of the draft bill on the state of emergency with article 4 of the Covenant, and remains concerned that existing regulations do not explicitly prohibit derogations from non-derogable provisions of the Covenant during states of emergency (art. 4).

**19. The State party should ensure the full compliance of the bill governing states of emergency, including with the requirements of article 4 of the Covenant, as**

interpreted in the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency.

### **Combating extremism**

20. The Committee is concerned at the overly broad and vague definitions contained in the Counter-Extremism Act, in particular those of "extremism", "extremist activity" and "extremist materials", and at the use of such legislation to unduly restrict freedoms of religion, expression, assembly and association, in particular of political dissidents and of religious groups that are not sanctioned by the State (arts. 2, 18, 19, 21 and 22).

21. **The State party should bring its current counter-extremism regulations and practices into full compliance with its obligations under the Covenant, including by:**

(a) **Clarifying and narrowing the broad definitions and concepts contained in the Law on Countering Extremism, ensuring their conformity with the principles of legal certainty, predictability and proportionality, and ensuring that the definition of extremism contains an element of violence or advocacy of hatred;**

(b) **Ensuring that any limitations of the rights of the Covenant ensuing from the application of such regulations serve legitimate aims, are necessary and proportionate, and are subject to appropriate safeguards.**

### **Prohibition of torture and ill-treatment**

22. The Committee remains concerned that the definition of torture contained in article 235 of the Criminal Code, as amended in 2018, does not meet the requirements of article 7 of the Covenant, as it limits the range of possible victims to "participants in criminal proceedings or their close relatives" and it does not apply to all types of perpetrators. It also remains concerned that the statute of limitations continues to apply to the crime of torture and about reports that the State party continues to grant amnesties to persons who have been convicted of torture or ill-treatment (arts. 2 and 7).

23. **The State party should:**

(a) **Amend article 235 of its Criminal Code with a view to ensuring that the definition of torture is in full compliance with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and with article 7 of the Covenant, ensuring that any person can be considered a victim and that it is applied to acts committed by all persons acting in their official capacity, outside their official capacity or in a private capacity when the acts of torture are committed at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity;**

(b) **End the practice of granting amnesties to persons convicted of torture or ill-treatment, which is incompatible with article 7 of the Covenant, and consider including article 235 of the Criminal Code in the list of articles for which there is no statute of limitations.**

24. The Committee is concerned about continued reports of torture and ill-treatment, including sexual violence and rape, by prison officials and law enforcement personnel against persons deprived of liberty, including individuals detained on what appear to be politically motivated charges. It is also concerned about reports of reprisals against those who report these abuses. It is further concerned about the high level of impunity that exists in these cases, manifested by the low number of investigations, prosecutions and convictions under article 235 of the Criminal Code, and about the lenient penalties often imposed on perpetrators. While noting the extension of the ombudsman's powers to receive complaints from persons deprived of liberty, the Committee is concerned about reports that such complaints are not always reported owing to concerns that it is not safe to do so, and that complaints that are made are not duly and impartially investigated. It is also concerned that the application of penalties for perjury and false denunciation discourages the reporting of torture and other ill-treatment (arts. 2, 7 and 14).

25. **The State party should take robust measures to eradicate torture and ill-treatment, including by:**

(a) **Conducting prompt, thorough, effective, independent and impartial investigations into all allegations of torture and ill-treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), ensuring that perpetrators are prosecuted and, if convicted, punished appropriately and that victims receive full reparation;**

(b) **Ensuring that all persons deprived of liberty have access to an independent and effective complaints mechanism to investigate allegations of torture and ill-treatment that guarantees prompt, effective and direct access to the bodies responsible for handling such complaints, including by strengthening the independence and capacity of the ombudsman to respond to such complaints;**

(c) **Guaranteeing the protection of complainants against any form of reprisal, and ensuring that any case of reprisal is investigated and that the perpetrators are prosecuted and, if convicted, are punished appropriately;**

(d) **Eliminating any obstacles, including in national legislation and in practice, that can discourage the reporting of torture and other ill-treatment.**

26. While noting the number of acquittals of persons who were wrongly convicted on the basis of allegedly forced confessions, the Committee remains concerned about reports that forced confessions continue to be used as evidence in court despite their prohibition in law (arts. 2, 7 and 14).

27. **The State party should ensure that the prohibition of forced confessions and the inadmissibility of torture-tainted evidence are effectively enforced in practice, including by law enforcement officials, prosecutors and judges. It should also report on its progress in identifying and reviewing all criminal convictions based on allegedly forced confessions, and should provide effective remedies to persons who were wrongly convicted.**

#### **Liberty and security of a person**

28. The Committee is concerned about reports that the new 48-hour limit of detention without charges is not always respected in practice and that individuals are sometimes held as witnesses rather than suspects in order to circumvent this limit. It remains concerned about deficiencies in the application of habeas corpus provisions and that the fundamental legal safeguards are not afforded, in practice, to all persons deprived of liberty, in particular with regard to access to a lawyer of their choice. The Committee regrets not having received clear information on whether the prosecutor is regarded as an officer authorized by law to exercise judicial power or on the existence and use of alternative measures to detention and imprisonment of juvenile offenders (arts. 9 and 14).

29. **The State party should bring its legislation and practice into line with article 9 of the Covenant, in particular by ensuring that:**

(a) **Persons arrested or detained on a criminal charge are brought promptly before a judge or other officer authorized by law to exercise judicial power, within 48 hours, in order to bring their detention under judicial control;**

(b) **All fundamental legal safeguards are guaranteed in practice to all persons deprived of their liberty from the very outset of their deprivation of liberty;**

(c) **The judicial review of the detention of anyone who is deprived of his or her liberty satisfies the standards required under article 9 (4) of the Covenant, including the standards set out in the Committee's general comment No. 35 (2014) on liberty and security of person, indicating, inter alia, that a public prosecutor cannot be considered as an officer exercising judicial power under article 9 (3) of the Covenant;**

(d) **Alternative measures to detention and imprisonment are used for juvenile offenders where appropriate.**

30. While welcoming the release of some of the persons detained on what appear to be politically motivated charges, the Committee remains concerned about the reported high number of such persons who still remain deprived of liberty. While noting the decrease in the number of prosecutions under article 221 of the Criminal Code, the Committee remains concerned that this article continues to be used to extend prison sentences of human rights defenders, government critics and persons convicted of religious extremism. It regrets not having received information on the number of prosecutions and convictions under this article of the above-mentioned groups of individuals (arts. 9, 14, 19 and 25).

**31. The State party should ensure that article 221 of the Criminal Code is not applied to arbitrarily extend prison sentences that are close to completion and that, if new charges are brought, due process rights are fully respected and the proportionality principle is strictly observed in all sentencing decisions. It should also take measures to ensure that no one is punished for exercising his or her right under the Covenant to freedom of expression or to take part in public life.**

#### **Conditions of detention**

32. While acknowledging the measures taken to improve conditions in places of deprivation of liberty, the Committee remains concerned about the poor conditions of detention, including inadequate food and drinking water, poor sanitary conditions and inadequate access to medical care. While noting the assertion of the State party that no deaths in prison have been reported since 2017, the Committee is concerned about numerous reports of deaths in custody and about the lack of official statistics and investigations into these cases. It is also concerned about reported obstacles and limitations on access by independent non-governmental organizations (NGOs) to places of deprivation of liberty and the insufficient efforts to facilitate the monitoring of such places by the International Committee of the Red Cross (arts. 7 and 10).

**33. The State party should:**

(a) **Increase its efforts to ensure that persons deprived of liberty are treated with humanity and with respect for the inherent dignity of the human person;**

(b) **Expedite its efforts to improve conditions and reduce overcrowding in places of deprivation of liberty and ensure that conditions in places of detention are in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**

(c) **Ensure that all places of detention are subject to independent, effective and regular monitoring and inspection without prior notice and on an unsupervised basis, including through the strengthening of the independence and capacity of the ombudsman to carry out inspections of places of detention;**

(d) **Ensure that independent NGOs enjoy effective access to all places of deprivation of liberty, and facilitate access to and monitoring of such places by the International Committee of the Red Cross.**

#### **Elimination of forced labour**

34. While welcoming the measures undertaken to combat child and forced labour in the cotton sector, the Committee remains concerned: (a) about the continued use of forced labour during the cotton harvest, mainly owing to the State-imposed mandatory cotton production quota system; (b) that persons deprived of liberty are reportedly forced to work in the cotton fields and punished if they do not fulfil their quotas; (c) about poor working and living conditions in the cotton sector, which have resulted in several deaths, and about the lack of accountability for senior officials involved in the use of forced labour; (d) about the use of forced labour of public sector employees as part of the Obod Kishlak programme (arts. 6–9 and 24).

**35. The State party should expedite its efforts and put an end to forced labour in the cotton sector and in the public sector, including by:**

- (a) **Effectively enforcing the legal framework prohibiting forced labour, including through the prosecution of all those responsible for violations;**
- (b) **Eliminating any initiatives or programmes that require compulsory labour for private and public sector employees and for persons deprived of liberty, in particular in the cotton industry, including through the reform of the State-imposed mandatory cotton production quota system;**
- (c) **Improving the working and living conditions in the cotton industry;**
- (d) **Taking all measures necessary to prevent deaths in connection with cotton harvesting, thoroughly investigating such cases when they occur and providing effective remedies, including adequate compensation, to victims' families.**

#### **Freedom of movement**

36. While noting the changes made to the compulsory residence registration system (*propiska*), the Committee remains concerned that the State party still retains this system, which unduly restricts the freedom of movement of individuals and of their choice of residence, in particular in the Tashkent region. While welcoming the abolition of the exit visa system, the Committee remains concerned that permission to leave the country is still required and that released prisoners convicted on politically motivated charges have reportedly been prevented from travelling abroad, including for urgent medical treatment (art. 12).

37. **The State party should bring its compulsory residence registration system (*propiska*) into full compliance with the Covenant and ensure that individuals are allowed to travel abroad for urgent medical treatment, including released prisoners convicted on politically motivated charges.**

#### **Independence of the judiciary and fair trial**

38. While noting the recent reforms of the judiciary and the setting up of the Supreme Judicial Council in 2017, the Committee remains concerned about the alleged lack of independence of the judiciary, in particular owing to: (a) the involvement of political bodies and the President in the selection and appointment of judges and prosecutors and in the appointment and dismissal of the Prosecutor General; (b) the lack of clear and objective criteria defined by law for the selection of candidates for judges and prosecutors and transparent evaluation procedures; (c) and regulations and procedures relating to disciplinary liability of prosecutors on broadly defined grounds. The Committee is further concerned about the lack of independence of the Chamber of Lawyers from the Ministry of Justice and about reports that the requirement of recertification of all lawyers every three years has been used for political purposes (art. 14).

39. **The State party should:**

- (a) **Eradicate all forms of undue interference with the judiciary by the legislative and executive branches and guarantee the independence of the Supreme Judicial Council, including by ensuring that it is comprised mostly of judges and prosecutors elected by professional self-governing bodies and that it operates with transparency;**
- (b) **Ensure that the procedures for the selection, appointment, promotion and removal of judges and prosecutors are in compliance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;**
- (c) **Ensure that the independence of the Chamber of Lawyers from the executive branch is guaranteed in law and in practice.**

#### **Refugees and asylum seekers**

40. The Committee is concerned about the lack of a national asylum system that guarantees access to the territory and to asylum procedures to all persons in need of international protection and that also provides for adequate safeguards against arbitrary



detention, deportation and refoulement. It is further concerned that current legislation governing citizenship does not provide adequate safeguards for the prevention of statelessness, including the loss of citizenship if the person has been abroad without registering in a consulate for seven years (arts. 7, 9, 13 and 24).

**41. The State party should establish a comprehensive national asylum system that is in conformity with international standards and that guarantees access to the territory and to asylum procedures to all persons in need of international protection, and that also provides for adequate safeguards against arbitrary detention, deportation and refoulement. The State party should also ensure that current citizenship legislation provides adequate safeguards for the prevention of statelessness in compliance with international standards. The Committee also encourages the State party to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.**

#### **Freedom of conscience and religious belief**

42. The Committee remains concerned that current legislation continues to criminalize proselytism and other missionary activities, as well as any religious activity by unregistered religious organizations. It also remains concerned about (a) the persisting obstacles and burdensome requirements for the registration of religious associations and the repeated denial of registration of certain religious organizations; (b) the censorship of religious material and restrictions on its use; (c) the strict State control over religious education; (d) reports of arrest, detention, fines and criminal convictions of individuals belonging to unregistered religious groups for conducting peaceful religious activities; and (e) arbitrary arrests, detention, torture and ill-treatment and conviction of Muslims practising their religion outside the State-sanctioned structures on extremism-related charges or for association with prohibited religious groups (art. 7, 9, 10 and 18).

**43. The State party should:**

**(a) Guarantee the freedom of religion and belief and refrain from any action that may restrict such freedoms beyond the narrow restrictions permitted in article 18 of the Covenant;**

**(b) Expedite the adoption of the new draft Act on Freedom of Conscience and Religion, ensuring its conformity with article 18 of the Covenant, including through the decriminalization of proselytism and other missionary activities, as well as of any religious activity by unregistered religious organizations;**

**(c) Investigate all acts of interference with the freedom of religion of independent Muslims and other religions practising their religion outside registered structures.**

#### **Freedom of expression**

44. While noting the draft amendments to the Criminal Code, the Committee remains concerned that defamation, insult of the President, insult, and dissemination of false information continue to be criminalized. It is further concerned that current legislation regulating mass communication, information technologies and the use of the Internet unduly restricts freedom of expression, including: (a) the requirement to register online information dissemination platforms, including blogs, as media outlets; (b) regulations on content removal and the suspension of licences; and (c) restriction or blocking of online media platforms on vaguely defined criteria. The Committee also remains concerned about the ongoing imprisonment of individuals on extremism-related and other politically motivated charges, including independent journalists, human rights defenders and bloggers, for the peaceful expression of critical views (arts. 7, 9, 10, 14 and 19).

**45. The State party should:**

**(a) Ensure that any restrictions on the exercise of freedom of expression, including online, comply with the strict requirements of article 19 (3) of the Covenant;**

(b) **Guarantee the effective protection of independent journalists, government critics and dissidents, human rights defenders and other activists against any action that may constitute harassment, persecution or undue interference in the exercise of their professional activities or of their right to freedom of opinion and expression, and ensure that such acts are thoroughly and independently investigated, prosecuted and sanctioned and that victims are provided with effective remedies.**

#### **Peaceful assembly**

46. The Committee remains concerned about undue restrictions on the right to peaceful assembly in law and in practice, including the requirement to obtain de facto prior authorization for holding mass events, despite the law only requiring prior notification, and restricting the holding of such events to specifically designated sites. It also remains concerned about reports of arrests, detention and sanctioning of activists for organizing and/or participating in peaceful protests (arts. 9, 19 and 21).

47. **The State party should expedite its efforts to revise its laws and practices with a view to ensuring that individuals fully enjoy their right to freedom of assembly and that any restrictions imposed are in compliance with the strict requirements of article 21 of the Covenant. It should also effectively investigate all cases of violence, arbitrary arrest and detention of peaceful protesters and bring those responsible to justice.**

#### **Freedom of association**

48. The Committee remains concerned that current legislation continues to impose restrictions on the right to freedom of association, including: (a) unreasonable and burdensome legal and administrative requirements for registering NGOs and political parties; (b) an extensive list of reasons to deny registration; (c) the requirement for NGOs to obtain de facto approval from the Ministry of Justice when travelling abroad or receiving funds from foreign sources; and (d) the prohibition of NGOs from participating in “political activities”. In this regard, the Committee notes with concern the small number of independent self-initiated NGOs registered in the State party, the high number of rejections for registration, and that no applications were submitted for the registration of new political parties between 2015 and 2018 (arts. 19, 22 and 25).

49. **The State party should bring its regulations and practice governing the registration of political parties and NGOs into full compliance with the provisions of articles 19, 22 and 25 of the Covenant. It should also guarantee the involvement and participation of a wide range of civil society actors and experts in the preparation of the new code on non-governmental non-commercial organizations.**

#### **Participation in public affairs**

50. The Committee remains concerned that current electoral legislation continues to impose undue restrictions on the right to stand for election based on the length of residence, official language-proficiency requirements, ongoing criminal proceedings and nomination by political parties exclusively. It is also concerned about reports of irregularities and the absence of genuine competition during the 2019 parliamentary elections, and about reports that supporters or family members of exiled opposition figures have been persecuted and barred from participating in elections. The Committee also remains concerned about the denial of the right to vote to any individual serving a prison sentence (arts. 2, 19, 21, 22 and 25).

51. **The State party should bring its electoral legal framework into compliance with the Covenant, including with article 25, inter alia by:**

- (a) **Fostering a culture of political pluralism and refraining from arbitrarily denying registration to opposition political parties and preventing their participation in elections;**
- (b) **Ensuring freedom of genuine and pluralistic political debate;**
- (c) **Revising the limitations on the right to stand for election and on the right to vote, in order to ensure compatibility with the Covenant.**

**D. Dissemination and follow-up**

52. The State party should widely disseminate the Covenant, its two Optional Protocols, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official language of the State party.

53. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 28 March 2022, information on the implementation of the recommendations made by the Committee in paragraphs 5 (implementation of pending views), 25 (prompt measures to eradicate torture and ill-treatment) and 29 (liberty and security of a person) above.

54. In line with the Committee's predictable review cycle, the State party will receive in 2026 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its sixth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2028 in Geneva.

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