



## **UPR Submission: Uzbekistan September 2017**

This submission highlights Human Rights Watch's assessment regarding the Uzbek government's compliance with its international obligations and the recommendations made since the 2013 Universal Periodic Review (UPR).

Uzbekistan's president Shavkat Mirziyoyev assumed power in September 2016. Since this time, authorities have taken some steps to improve the country's abysmal human rights record, such as releasing several political prisoners, relaxing some restrictions on free expression, removing citizens from the security services' notorious "black list," and increasing accountability of government institutions to the citizenry. These moves have contributed to a sense of hope in Uzbekistan about the possibility for change not witnessed in many years.

But it is far from clear whether Uzbekistan's still authoritarian government will transform the modest steps it has taken thus far into institutional change and sustainable human rights improvements. Grave rights abuses such as torture, politically-motivated imprisonment, and forced labor in the cotton fields remain widespread. Accordingly, many of the most critical recommendations made by states during the previous UPR cycles remain unfulfilled or not implemented in practice.

The UN High Commissioner for Human Rights Prince Zeid Ra'ad Al Hussein visited Uzbekistan in May 2017—the first ever such visit by a High Commissioner for Human Rights to Central Asia and signaled a willingness of the authorities to engage more closely with UN human rights mechanisms. During the visit, Tashkent agreed to resume cooperation with the High Commissioner's regional office in Bishkek and extended an invitation to the UN special rapporteur on freedom of religion. Zeid commended Mirziyoyev for his stated commitment to reforms and urged him to follow through on releasing wrongfully imprisoned activists, cooperate with UN human rights monitors, end forced labor, and lift restrictions on media. The visit of the UN special rapporteur on freedom of religion is expected to take place in October 2017. There are 13 other UN mandate holders who have outstanding requests to visit Uzbekistan and been refused access since 2002, including the special rapporteurs on torture, the situation of human rights defenders, and the independence of lawyers and judges.

### **Politically-Motivated Imprisonment, Torture and Ill-treatment in Detention**

During the 2013 UPR, Uzbekistan rejected the recommendation that it release all political prisoners, considering the recommendation "factually wrong." While the Mirziyoyev administration has yet to acknowledge the existence of politically-motivated imprisonment in Uzbekistan, it has released at least five persons imprisoned on politically-motivated charges since September 2016, including Muhammad Bekjanov, Samandar Kukanov, Erkin Musaev, Bobomurod Razzakov, and Rustam Usmanov. In March, authorities also released Jamshid Karimov, an independent journalist and nephew of the late authoritarian president Islam Karimov, from forced psychiatric treatment. The number of prisoner releases compared to the one or two prisoners released on average per year during Karimov's reign signaled some hope that President Mirziyoyev could move toward freeing Uzbekistan's numerous political prisoners.

But with the exception of Musaev, a former UN staffer convicted of fabricated charges of espionage and granted an early release eleven years into his twenty-year sentence, all those released had already reached the end of their prison terms—some of which had been arbitrarily extended—were elderly, or in ill-health. Moreover, prison authorities continued in 2017 to use Article 221 of Uzbekistan’s Criminal Code regarding “violations of prison rules” to arbitrarily extend the sentences of political prisoners.

In February, authorities released Muhammad Bekjanov, one of the world’s longest imprisoned journalists, who had been kidnapped prior to his arrest in 1999, suffered severe torture in prison, and had his sentence arbitrarily extended in 2012 for five years. Also in February, authorities released political activist Rustam Usmanov, who had been imprisoned since 1998 and whose original sentence was also extended by five years.

Thousands of individuals imprisoned on politically motivated charges remain behind bars and many have experienced torture or ill-treatment. Human rights activists in prison include Azam Farmonov, Mehriniso Hamdamova, Zulhumor Hamdamova, Isroiljon Kholdorov, Gaybullo Jalilov, Ganihon Mamatkhanov, Chuyan Mamatkulov, Zafarjon Rahimov, Yuldash Rasulov, Fahriddin Tillaev, and Akzam Turgunov. Journalists in prison include Solijon Abdurakhmanov, Barno Khudoyorova, Gayrat Mikhliboev, Yusuf Ruzimuradov, and Dilmurod Saidov. Imprisoned religious figures and other perceived government critics include Aramais Avakyan, Ruhiddin Fahriddinov, Sobir Hamidkariyev, Nodirbek Yusupov, Dilorom Abdukodirova, Ravshan Kosimov, Botirbek Eshkuziev, Bahrom Ibragimov, Davron Kabilov, Davron Tojiev, and Ravshanbek Vafoev. Kudratbek Rasulov, an opposition activist, also remains behind bars.

Three related recommendations made by states during the 2013 UPR cycle were that a) Uzbekistan close the notorious Jasyk prison colony, located in the northwestern autonomous Republic of Karakalpakstan, due to the prevalence of instances of torture and extreme climactic conditions; b) allow the independent monitoring of prisons; and c) the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

As of this submission, the Uzbek government has yet to fulfill the long-standing recommendation to close Jasyk prison and continues to house persons imprisoned on politically-motivated charges there, including the human rights defender Azam Farmonov. In addition, since 2013, the International Committee of the Red Cross has not carried out independent monitoring of prisons and places of detention in Uzbekistan. ICRC announced in 2013 its suspension of its monitoring programs due to an inability to carry out visits to prison facilities and with prisoners in accordance with its modalities and free of government interference. The Uzbek government has stated that the issue of ratification of the Option Protocol to the International Covenant on Civil and Political Rights is currently under consideration.

### Recommendations

Member States Should Urge the Uzbek Government To:

- Immediately and unconditionally release all wrongfully imprisoned human rights defenders, journalists, members of the political opposition, and other activists held on politically motivated charges;
- End the practice of arbitrarily extending prison sentences for minor offences or “violations of prison rules” under article 221 of the criminal code;

- Take meaningful measures to end torture and ill-treatment and the accompanying culture of impunity, including by implementing in full the recommendations of the United Nations Special Rapporteur on torture, the Committee Against Torture, and the Human Rights Committee, including closure of the Jaslyk prison colony, the resumption of prison visits by the International Committee of the Red Cross (ICRC), and the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights.

## **Restrictions on Civil Society and Free Expression**

During the 2013 UPR, several countries recommended Uzbekistan to lift restrictions on civil society activities and give accreditation to major international human rights organizations. In response, Uzbekistan stated that it is developing a strong civil society, reported the existence of several thousand NGOs and claimed that all applications for registration and accreditation are evaluated by the Ministry of Justice in accordance with international norms. Yet civil society in Uzbekistan continues to operate under tight restrictions and no independent domestic human rights organization has been allowed to register since 2003. Additionally, a June 2015 law strictly regulates the activities of NGOs, requiring an onerous and burdensome process of receiving prior approval from the Ministry of Justice of at least one month before conducting virtually any activity. Many local and international NGOs have reported that the June 2015 law has seriously hindered their ability to operate.

In contrast to the rule of president Islam Karimov, the administration of President Shavkat Mirziyoyev has slightly relaxed restrictions on the holding of modest peaceful demonstrations. But the activities of critical voices, including independent rights activists, journalists, and lawyers, are still largely suppressed.

In March 2017, authorities detained long-time rights activist Elena Urlaeva at a psychiatric hospital for nearly a month. Many observers believed the detention to be retaliation for Urlaeva's human rights work, which in recent years has included monitoring of forced labor in Uzbekistan's cotton fields.

In June, relatives of imprisoned rights defender Nuraddin Jumaniyazov reported that Jumaniyazov had died in prison on December 31, 2016 of tuberculosis and diabetes-related complications. Authorities jailed Jumaniyazov in 2014 on politically-motivated charges, tortured him, and denied him contact with his attorney. In May, Jumaniyazov's attorney, Polina Braunerg, known for taking on numerous politically-sensitive cases, died of a stroke. For three years, Braunerg had sought an exit visa to obtain medical treatment abroad but had been repeatedly denied permission.

This year President Mirziyoyev announced that the country's exit visas—a Soviet relic which authorities have used as a tool to prevent a wide array of perceived critics, including artists and activists from foreign travel—would be abolished from January 2019.

While the media sphere remains highly controlled, some public criticism of Karimov appeared in July, when a new 24-hour news channel, Uzbekistan 24, featured criticism of Karimov's economic and social policies. Local media outlets such as kun.uz have acquired a reputation for more critical reporting and the government indicated it would invite the BBC's Uzbek service to base a correspondent in Tashkent.

To date, the internet in Uzbekistan is highly censored, with access blocked to many critical websites, including independent media such as Fergana News, Radio Free Europe's Uzbek service, and other sources of news.

In September 2017, a Human Rights Watch delegation visited Uzbekistan, seven years after the government banned the organization's researcher from working in the country.

### Recommendations

Member States Should Urge the Uzbek Government To:

- Ensure genuine media freedom, ease harassment of journalists and allow domestic and international media outlets, including those that have been forced to stop operating in Uzbekistan, to register and grant accreditation to foreign journalists;
- Allow domestic and international human rights organizations to operate without government interference, including by promptly re-registering those that have been liquidated or otherwise forced to cease operating in Uzbekistan;
- Repeal June 2015 NGO law which imposes on NGOs onerous and burdensome process of receiving prior approval from Ministry of Justice for a variety of core functions and activities;
- Immediately abolish system of exit visas required by Uzbek citizens to travel abroad;
- End censorship of the internet, including the blocking of critical news sites such as Fergana News, Radio Free Europe, and other important sources of news and information.

### **Religious Persecution**

During the previous UPR cycles, Uzbekistan was recommended to respect freedom of religion, take adequate measures to ensure that this freedom is protected, and make clear distinctions between terrorist activities and the activities of peaceful religious groups.

Uzbekistan maintains some of the world's most restrictive policies on the exercise of worship or belief. Authorities highly regulate religious worship, clothing, the sermons delivered by the country's imams, and ban all forms of proselytism. Peaceful religious believers are often branded as "religious extremists."

The government maintains a "black list"—made up of thousands of individuals suspected of belonging to unregistered or extremist groups—whereby those on the list are barred from obtaining various jobs, from travel, and must report regularly for interrogations with the police.

In August 2017, authorities announced a reduction of the total number of people on the "black list" from 17,582 to 1,352, softening certain religious freedom restrictions. In public remarks accompanying the move, President Mirziyoyev emphasized the need to rehabilitate citizens who had been "misled" by radical groups.

Despite this positive move, thousands of religious believers—religious Muslims who practice their religion outside strict state controls—remain imprisoned on vague charges of extremism. In May, authorities sentenced eleven Muslims on extremism charges that appeared fabricated. Rights activist Surat Ikramov dismissed the charges, stating that the men only "ate, rested, and prayed together" and that the men's confessions were procured through torture.

Followers of the late Turkish Muslim theologian Said Nursi continue to be prosecuted for religious extremism. Hundreds of Nursi followers were arrested or imprisoned during the period since the 2013 UPR.

Meanwhile, authorities also continued to harass Christian communities. In April, authorities in the north-western Karakalpakstan autonomous region gave short prison terms to four Protestant men – Marat, Joldasbai, Atamurat and Salamat (last names not given). Judge Sailaubai Mambetkadyrov of the Criminal Court in Nukus, Karakalpakstan's regional capital, handed down the 15-day administrative prison terms to punish them for meeting to worship in a home.

Authorities continue to arbitrarily extend sentences of religious prisoners for alleged violations of prison regulations. Such extensions occur without due process and can add years to a prisoner's sentence, raising concerns that the practice appears designed to keep religious prisoners behind bars indefinitely.

### Recommendations

Member States Should Urge the Uzbek Government To:

- End religious persecution, including by decriminalizing peaceful religious activity, and ending the imprisonment of thousands of people for their nonviolent religious expression.
- Build on the visit by the UN special rapporteur on freedom of religion in October 2017, by issuing invitations to the thirteen UN monitors who have requested to visit Uzbekistan, and implementing recommendations by independent monitoring bodies, including UN treaty bodies and special procedures.

### **Forced Child Labor in the Cotton Sector**

Forced labor in Uzbekistan's cotton sector during the years since the 2013 UPR has been systematic, both during the spring weeding season and the fall cotton harvest. The government has forcibly mobilized public sector workers, including teachers and medical personnel, to pick cotton on threat of punishment or loss of employment, despite a public decree prohibiting the practice. During the 2017 cotton harvest, in various regions such as Bukhara, public sector workers were forced to sign forms that they would "voluntarily" pick cotton. Human Rights Watch learned of instances, such as in the Parkent district of the Tashkent region, where authorities forced teachers and medical personnel to conceal their actual professions when signing up to participate in the harvest.

Responding to significant pressure to end forced child and adult labor in the cotton sector, and acceding to several recommendations made on this issue in the 2013 UPR, the Uzbek government has since 2014 allowed the International Labour Organization to conduct monitoring in the country's cotton fields. But serious concerns remained as to the ILO's methodology in conducting monitoring as their teams included officials from the Federation of Trade Unions.

In August 2017, the Uzbek government issued a public decree banning the mobilization of public sector workers, including teachers and medical personnel, to pick cotton. At the time of writing, in September 2017, there were reports that the government had taken steps to curtail the mobilization of college students, teachers, and medical personnel, but it is unclear to what extent these efforts were consistent

across the regions of Uzbekistan. Reports have also been received that in some regions if teachers or medical personnel did not want to work in the fields, they had to make a financial contribution to hire a worker to replace them.

Human Rights Watch is also aware of numerous cases of authorities harassing activists who tried to document forced labor.

### Recommendations

Member States Should Urge the Uzbek Government To:

- Effectively end forced labor of adults in the cotton sector, allow and involve independent nongovernmental organizations and activists to conduct their own monitoring without harassment;
- Implement fully the government decrees banning the mobilization of all citizens to forcibly pick cotton, including public sector works, such as teachers and medical personnel, and college students.

### **Andijan Massacre and its Aftermath**

On May 13, 2005, hundreds of mostly unarmed protesters fleeing a demonstration in the city of Andijan were killed by Uzbek government forces indiscriminately and without warning. More than twelve years later, no one has been held accountable. The Uzbek government continues to relentlessly persecute those it suspects of having ties to the protest and refuses to allow an international investigation.

The Uzbek government rejected recommendations made during the previous UPR cycles to allow an international and independent investigation into the May 2005 Andijan massacre and its fallout. Research by Human Rights Watch reveals that the Uzbek government continues to intimidate and harass the families remaining in Uzbekistan of Andijan survivors who have sought refuge abroad. The 18 year prison sentence given on April 30, 2010 for anti-constitutional activity and illegal border crossing to Diloram Abdukodirova, an Andijan refugee who returned to Uzbekistan in January that year, following assurances by the authorities that she had nothing to fear upon return, shows the lengths to which the government will go to persecute anyone it perceives to be any way linked to the Andijan events.

### Recommendation

Member States Should Urge the Uzbek Government To:

- Ensure accountability for the Andijan massacre and cease harassment and other abuses of returned refugees and families of refugees who remain abroad.