

**Alternative report to the Human  
Rights Committee on the  
implementation of the  
International Covenant on Civil  
and Political Rights by  
Uzbekistan**

**Uzbek League for Human Rights**

**2020**

## Introduction

This report provides information on the selected topics from the List of Issues ahead of the review of Uzbekistan's 5<sup>th</sup> periodic report at the 128<sup>th</sup> Session of the Human Rights Committee in March 2020.

Since president Mirziyoev succeeded the power from the deceased president, several economics reforms are being carried out. Generally, though the progress in the implementation of the International Covenant on Civil and Political Rights is very slow, we would like to acknowledge the change of official rhetoric while discussing the human rights violations in the country. We welcome that president Mirziyoev had publicly discussed the use of torture and ill-treatment in Uzbekistan, violence against women, gender-based discrimination, polygamy and violations of freedom of movement.

However, we remain concerned that the actual implementation of promised reforms either remains in the declarative or very slow. Tackling mentioned human rights violations requires comprehensive approach involving independent civil society organizations. Freedom of associations and assembly has been significantly and disproportionality limited in the country for many years and thus limiting the participation of civil activists in the decision-making process.

## Equality between men and women and gender-based violence (arts. 2, 3, 7 and 26)

6. In connection with the previous concluding observations (para. 8), please report on: (a) progress in adopting a law on equal rights and opportunities for women and men compliant with the Covenant; (b) steps to address effectively the reported persistence of forced and early marriage and de facto polygamy, particularly in rural areas, despite their prohibition by law; (c) measures taken, and progress made, in relation to achieving equitable representation of women in political and public life, including in the judiciary and the legislative and executive bodies, especially in high-level decision-making positions.

### *Forced Marriages*

Forced marriages are widespread practice in Uzbekistan. Mainly they happen in the early years of women. A recent survey conducted by the Centre "Oila" (GONGO) showed that 86% of young women got married following the advice of their relatives and 14% claimed that they did so by the requirement of their parents. 37% of respondents stated that marriage forced them to give up their life plans; 70% stated they could not fulfill their intentions and 50% were forced to abandon tertiary education. Women also complained about health complications and a low quality of life. We welcome this survey by the de-facto state organization as it shows that they started to recognize the complexity of forced and early marriages. However, fighting against forced marriages requires a comprehensive and complex approach taken by all branches of power and tackling gender stereotypes as a root cause of early marriages. Currently, the State follows the policy of promoting gender stereotypes of a woman being an obedient housewife and a mother. Mass media widely follows this policy through the series of TV shows called "Zirapcha" (Thorn), "Mening

Qaynonam General” (my mother in law is General), Kelin kuyov (bride and groom), Tuygacha (before the wedding) and numerous others, all objectifying women and promoting obedience in them.

### *Uzbekistan’s Women are potential criminals*

In order to prevent the commitment of crimes by women, the khokim (mayor) of the city of Tashkent (Uzbekistan) has approved a joint resolution by the Main City Internal Affairs Department and Women’s Committee of the Republic of Uzbekistan.<sup>1</sup>

Meetings under the chairmanship Deputy Mayor of Tashkent, Chairwoman of the City Department of the Women’s Committee Ms. Dilbar Najmutdinova took place in 10 districts of the city of Tashkent from July 20-27.

It is reported that the meetings were attended by specialists from 508 mahallas (local communities), working with women and aimed at strengthening the family ethics and morale, as well as mahalla chairmen and heads of local administration as well as entrepreneurs. As a result of these activities, working groups were established, comprising staff members of the law enforcement bodies and police, as well as specialists on crime prevention from the Women’s Committee. In addition to that, the representatives of mahallas (local communities) and crime prevention offices identified a set of tasks to develop a register of women, living in every city district, broken down by the following 23 categories as shown below.

This is the list of categories of women considered to be “high risk”, who are in theory prone to crime commitment, according to the Women’s Committee and Main City Internal Affairs Department:

1. Women with a criminal record;
2. Women committed crimes;
3. Women on probation;
4. Women who are absent for a long time;
5. Women who returned to the Motherland after a long time abroad;
6. Drug addict women;
7. Women with dangerous mental health issues;
8. Alcoholic women;
9. Women with suicidal tendencies;
10. Women, prone to criminal activities;
11. Women who committed violations in family;
12. Women who negatively affect the way children are raised;
13. Women who committed crimes against moral;
14. Girls on police monitoring lists;
15. Women in need of moral support;
16. Women from families on the verge of divorce;
17. Unemployed women:
  - a. those who have working qualifications

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<sup>1</sup> The Women's Committee of Uzbekistan is declared to be non-governmental organization headed by Deputy Prime Minister and each regional department of WC is headed by deputy governor. It is clearly governmental organization since it appears in numerous legislative acts of the State as responsible body and receives tasks and funding directly from the Government.

- b. those without working qualifications;
- 18. Low-income women, women living in poverty;
- 19. Women who live in the city of Tashkent on a temporary basis;
- 20. Women who live in the city of Tashkent without the due registration;
- 21. Beggar women
- 22. Underage girls (under 18) and young girls (18-30)
- 23. Women with disabilities, divorced women, single mothers and those who lost a breadwinner.

It should be emphasized that no such list is created for men in Uzbekistan. This discriminatory policy is against Uzbekistan’s human rights obligations.

7. With reference to the previous concluding observations (para. 9), please report on the progress made in eradicating violence against women, including on:

- (a) The status of the draft law on the prevention of domestic violence, its correlation with the recent draft laws on guarantees of equal rights and opportunities for men and women and on protecting women from harassment and violence and clarification as to whether it criminalizes domestic violence and marital rape explicitly and on the accountability of perpetrators and enforcement mechanisms;

In 2019, the Parliament of Uzbekistan adopted a very long-awaited and important law “On protection of women from oppression and violence”. The authors of this report highly welcome this positive development.

It worth noting that initial draft of the law was called “on domestic violence” while at the later stage the name and aim of the law changed excluding men and boys from the scope of this law. Such exclusion contradicts the norms of international human rights law and understanding that victims of domestic violence could be of both sexes. Such discriminatory provisions should be eliminated by adopting the general law against domestic violence while keeping the law on violence against women as practiced in other countries.

The legislation still lacks definitions of sexual harassment and marital rape is not explicitly prohibited in Uzbekistan. There is no definition of gender and discrimination on the basis of sexual orientation and gender identity is not provided by Uzbekistan’s legislation.

- 7. (b) Measures taken to: (i) encourage reporting of incidents of violence against women, including sexual and domestic violence; (ii) address the lack of due diligence by law enforcement officers in registering and investigating violence against women, ensure prompt and effective registration and investigation of such cases (please include relevant statistics since 2015) and sanction perpetrators adequately; and (iii) provide adequate and sufficient psychological, social, legal and rehabilitative services through the centres for legal and social support for women and their families.

The Women’s Committee of Uzbekistan – state-managed NGO (headed by the Deputy Prime Minister) reported on the creation of 165 shelters in all parts of Uzbekistan. In the beginning of 2019, none of the shelters were operating in the capital city Tashkent, with a population of

more than 3 million people. At the moment of writing of this report only two shelters were reported to be functioning in Tashkent. The hotline of the Women's Committee "1146" is tested to be irresponsive to queries and operate as a telephone communicator rather than a hotline with determined protocols on different situations. There are no independent hotlines for the victim of domestic violence operate and no independent organizations providing legal aid and social support to victims of domestic violence in Uzbekistan due to the monopolization of NGO services by the Women's Committee of Uzbekistan.

The Women's Committee (WC) of Uzbekistan started playing a more active role in combating violence against women after having been being almost completely idle for 24 years. Activities of the Women's Committee of Uzbekistan reflect a total lack of knowledge and understanding of the best practices in this field; they are not an NGO, nor they act as an NGO should. The WC's shelters are purely formal and we have no evidence that they actually admit women and provide relevant services to them.

The Women's Committee is monopolizing activities supposed to be carried out by genuine NGO, and at the same time just window-dressing these activities. In October 2018, the Women's Committee reported opening the only shelter in the capital city with the listed population of 2.5 million people (actually there are many more).<sup>2</sup> As of August 1, 2019 no shelter for domestic violence victims is operating in the city with at least 2.5 million people.<sup>3</sup>

Moreover, according to interviewed activists, the Women's Committee of Uzbekistan while being registered as an NGO to participates in the decision-making process of registrations of new women NGO in Uzbekistan. Being created and managed by the State, the Women's Committee should become what it is in reality – a State body, rather than nongovernmental organization.

### *Divorce rate reduction and worsening of domestic violence victims*

Throughout 2017-2019, Uzbek government has been following the policy of divorce rate reduction. This policy is directed at preserving families rather than protecting individuals from violent relationships. This controversial policy of the Government is designed to create obstacles for divorce of people even if clear violence is happening in the families. This policy is based on the statistical data of divorces and all involved authorities, including self-governing bodies mahallas are involved in divorce prevention.

In January 2018, courts and civil registries became legally bonded to refer couples applying for divorce to undergo hearings of the mahalla reconciliation committee of their neighborhood before seeing the case.<sup>4</sup> In this, we should mention that mahalla is determined to be a self-governing body of citizens formed on a territorial basis. The reconciliation committees are part of the mahalla administration with members elected from among citizens residing in the neighborhood. Committees act as quasi-judicial organs that are legally empowered to hear the cases of divorcing couples. However, no training on human rights or principles of fair trials is provided for the reconciliation committee members, who are just

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<sup>2</sup> The Women's Committee opened first shelter in Tashkent 04.10.2018 <http://www.news-asia.ru/view/uz/health/11573>

<sup>3</sup> Commentary of the Women's Committee's Chair and Uzbekistan's Prime Minister as of 16.01.2019 <https://www.facebook.com/2322710417953363/posts/2754393811451686/>

<sup>4</sup> Law on amendments and additions to some legislative acts of Uzbekistan in relation to improvement of some state agencies and adopting additional measures guaranteeing citizen's rights and freedoms, from 05.01.2018 [https://www.norma.uz/raznoe/zakon\\_respubliki\\_uzbekistan55](https://www.norma.uz/raznoe/zakon_respubliki_uzbekistan55)

common neighbors of divorcing couples and judge them according to their own life experiences and knowledge which is not required to be professional to review divorce cases. In the vast majority of cases, reconciliation committee meetings take victim-blaming approach, especially when domestic violence is in place. Human rights defenders, mass media and social networks reported numerous cases when reconciliation committee members attempted to force domestic violence victims to beg for pardon and return to abusers. There are cases on record when such reconciliations ended in the murders of the returning women by husbands who became confident of their impunity. Just recently there was a publication about a husband who threw two children out of the window of their apartment on the 4<sup>th</sup> floor to take revenge on his wife for filing for a divorce.<sup>5</sup> He did it after reconciliation committee meeting.

Moreover, it is well-known that the only way to escape from an abusive relationship for a woman is divorce. However, the Women's Committee reports that it managed to "save" almost 18 000 families from divorce in 2018.<sup>6</sup> This policy is clearly not aimed at improving safety wellbeing of domestic violence victims. The Government needs to revise the role of the Women's Committee – making it fully governmental and responsible for coordinating state policy on women issues – while opening the way to genuinely independent NGOs and activists to combat domestic violence. International experience shows that this way is more effective and less costly, but it requires a political will and commitment.

10. With reference to the previous concluding observations (para. 13) and the definition of torture in the Criminal Code, as amended in 2018 (CCPR/C/UZB/5, para. 154), please clarify: (a) whether the reference to "law enforcement or other state agency employees" is meant to include all public officials and other persons acting in an official capacity; (b) whether there are plans to expand the scope of the definition of torture in the new Criminal Code to ensure that any person, rather than the limited categories explicitly referred to in the current definition, may be a victim of torture. Please also clarify whether the practice of granting amnesties to persons convicted of torture or ill-treatment has been abolished.

Torture in Uzbekistan under the current legislation is not considered to be the grave crime and it is subject to a statute of limitations in Uzbekistan. Moreover, the provision contains that it can be aggravating only under certain limited circumstances and this crime is not excluded from amnesty acts. In this context, we welcome intentions of the Government to introduce amendments to the legislation prohibiting the applicability of amnesty acts to the article 235 of the Criminal Code and introduce "discrimination of all kind".

While welcoming the State reply to the list of issues (para 101) ULHR reminds that to the moment of writing of this report the definition of torture is not in the full compliance with article 1 of the Convention against Torture. Firstly, the definition limits the scope of torture as performed against only individuals or their families, involved in the criminal or administrative process. Secondly, the definition still contains the of word "unlawful" (referring to the methods of pressure or other actions), as if there are certain lawful methods of torture and ill-treatment existing in the country.

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<sup>5</sup> <https://upl.uz/incidents/11970-news.html>

<sup>6</sup> Press-service release of the Women's Committee 14.12.2018  
<https://www.facebook.com/womenuz/posts/746690805683475>

## Independence of Lawyers

18. With reference to the previous concluding observations (para. 21), please report on measures taken to guarantee the independence of the Chamber of Lawyers from the executive branch and the independence of lawyers themselves, and respond to concerns that the requirement of recertification of lawyers at intervals of less than three years has been misused for political reasons.

The role of defense lawyers remains extremely low in Uzbekistan and this is not only related to the complicated laws adopted in previous years, but also with the prevalence of executive over the whole judicial process. The Advokatura – the Bar association in Uzbekistan, was known as a semi-independent, non-State organization for many years, though it was structurally fragile. In December 2008, the government issued a new law on the Advokatura, and created a single organization: The Chamber of Lawyers, under the Ministry of Justice. This law became a final strike on the semi-independence of the legal profession in this country.

Particularly, despite the Article 1 of the Law on Advokatura referring it as the voluntary unions of the lawyers, according to the amendments, the Article 12 (1), all bars, bureaus and legal firms are now obliged to join the Chamber of Lawyers. According to the Article 12 (3) of the Law on Advokatura, the candidacy for the chairman of the Chambers of the Lawyers to the lawyers' conference selected and introduced by the Ministry of Justice. Also, according to the Article 12 (5) of the Law, the early dismissal of the chairman of the Chambers of the Lawyers, brought up by the Ministry of Justice to the Conference of the lawyers.

We also concerned with the lack of independence of Qualifications Committees created under the Chambers of Lawyers, considering the lack of independence of the Chamber itself. The recertification requirement (every 3 years) is in power and lawyers refusing to go through the recertification process can be subjected to license suspension.

## Freedom of movement (art. 12)

15. Please report on the measures taken to implement the Committee's long-standing recommendation (CCPR/C/UZB/CO/3, para. 18 and CCPR/C/UZB/CO/4, para. 20) to bring the residence registration system (*propiska*) into full compliance with the Covenant. Please also respond to concerns that *propiska* operates in practice as a permit system that unduly restricts the liberty of movement of individuals and their freedom to choose their residence, including restricting by law the right to permanent registration in the city of Tashkent and the Tashkent region to certain categories of eligible citizens, which discriminates against those who were born and live outside Tashkent and the Tashkent region. Please also comment on reports of travel restrictions on released prisoners convicted on politically motivated charges, including travelling abroad for urgent medical treatment.

### *Exit Passport*

From 1 January 2019 Uzbekistan abolished exit visa for its citizens that was issued for a period of two years. The new biometric exit passport was introduced in accordance with the Decree of President (YII-5156, 16.08.2017). In practice the two-years exit visa s was substituted by a 10-years exit passport. Currently, the citizens of Uzbekistan are still required

to apply for the permission to leave and the Government has secured provisions under which it may refuse to issue the travel document. Particularly, the “Procedure of the Republic of Uzbekistan’s citizens travel abroad” (26.12.2018 appendix to the President’s Order #III-4079) states six grounds for such refusal under paragraph 39, including the following:

- a) If criminal case is invoked against the person;
- b) If a person is under administrative control;
- c) If person is serving sentence that does not provide imprisonment or under suspended sentence;
- d) If a person has outstanding obligations imposed by the court;
- e) If person intentionally presented false information about himself;
- f) If relevant authorities possess information that the person violated legislation in a foreign country or information that the travel of a particular person is inappropriate – the two-years travel ban will be imposed.

Under the same law, the Government is not obliged to explain the grounds for exit ban, however, paragraph 40 allows to appeal against such decision to the court.

This reports referring to the article 12 (2) of the ICCPR which states that “everyone shall be free to leave any country, including his own”, considers the possible restrictions of freedom of movement under exceptional circumstances that may be lawfully introduced in the domestic legislation. However, from the above legal provision it becomes clear that restrictions to the right to leave his/her own country do not contain precise criteria and confer unfettered discretion while implementing them.

Furthermore, these provisions are not consistent with the principles of proportionality and necessity. In relation to the grounds listed in a), b), c) and d) the measure is not feasible or effective as there is no guarantee that a person will not violate the law or his/her obligations after the exit passport has been issued. As for the last provision in the list of grounds for refusal, obviously the decision here is left at the sole discretionary powers of authorities. It is believed that this provision is reserved to be used against political opponents and activists. Throughout 2019, activists reported several cases of unreasonable delays in the issuance of exit passport. This has been used as a measure to pressure and intimidate activists.

### *Propiska*

The system of residence-registration (*propiska*) inherited from the Soviet Union, prohibits the citizens of Uzbekistan to freely choose their residence within the country. This report welcomes the abolishment of penalties for employing people without *propiska*. However, it still stresses that the restrictions on the right to choose one’s residence violates the human rights obligations of Uzbekistan.

In accordance with the Resolution of the Cabinet of Ministers #845 (22.10.2018) the citizens of Uzbekistan and foreigners can buy property in Tashkent and its region only in newly built developments. It should be stated that the cost of these developments is extremely high and only affordable to rich and privileged people. In the rest of cases, the people of Uzbekistan without *propiska* cannot buy property, inherit it or receive it as a gift.

### **Freedom of association (art. 22)**

23. With reference to the previous concluding observations (para. 25), please report on the status of the draft law on non-governmental organizations (NGOs), the progress made in revising the unreasonable and burdensome legal and administrative requirements for registering NGOs and political parties and any remaining undue monitoring over the activities conducted by NGOs, such as the requirement of advance notification of planned activities to the Ministry of Justice (Ministry of Justice order No. 3020 of 1 June)

Registration of NGOs still has permissive character in violation of the International Covenant on Civil and Political Rights (ICCPR), to which Uzbekistan is a State party. In addition, contrary to the Article 239 of the Administrative Offences Code of Uzbekistan charges non-governmental organizations for working without state registration from 15 to 30 minimal wages. According to the Article 202 -1 of the Administrative Code, involving others to not registered NGOs is illegal and punishable by a fine ranging from fifty to one hundred minimum wages or by administrative arrest of up to fifteen days. Additionally, after applying administrative code, NGO supporters can be charged under the Article 216-(1) of the Criminal Code involving others for the work of prohibited public or religious organizations (NGOs), which is punishable up to 3 years imprisonment. In such atmosphere, no NGO is able to conduct independent and unbiased visits to the prison, provide legal aid to victims of torture, rehabilitation services and etc.

The administrative burdens of Uzbekistan NGO legislation make it impossible for NGO to act as an independent organization. According to the Law “On Non-Governmental Non Commercial Organizations” article 8 registered NGO has to apply for the permission of the registering body i.e. Ministry of Justice to receive funding from foreign and international sources; it is also obliged to get approval for any events conducted by the NGO and provide access to the representatives of the registering body. The same law also imposes control over freedom of movement of NGO workers obliging it to inform about any visits to foreign countries and other obligations introduced by the legislation of Uzbekistan.

The registration process itself is complicated and burdensome. The Law “On Non-Governmental Non Commercial Organizations” article 22 lists the documents organizations must provide for the registration. The process of registration is not clear and transparent, no specific rules on NGO registration documentation exists and this allows the Ministry of Justice to interpret this loophole in the legislation at their own disposal. Independent organizations attempting to get registration face numerous refusals playing around details of their Charter, grammar mistakes in the documents and even farfetched refusal. The followings are only few examples of such:

- “Ezgu Amal” (charity foundation for children with oncological diseases) got their registration in the third attempt after blogger's public appeal to the Minister of Justice through the Social Media;
- Centre for contemporary journalism got their registration in the 8th attempt;
- HIV Positive women in Samarkand were able to register after 13 attempts;
- Human rights defender Agzam Turgumov, released from long served prison sentence, is still being refused registration of his organization for protection of prisoners’ rights for 1 year;
- Young activists organization reported the 9<sup>th</sup> refusal;
- NGO “Mehridaryo” in Buhara, aiming to rehabilitation of female ex-prisoners got refused registration at their first attempt. The letter of refusal stated that the Board of trustees lacked minimum number of 10 persons and in brackets it listed the names of

10 persons provided by the organization. After this case was published in the internet media, NGO could get its registration.<sup>7</sup>

In this environment, the Government reports that there are 9200 NGO registered in Uzbekistan. Recently, Uzbekistan has opened its database on registered NGO, available at [www.e-ngo.uz](http://www.e-ngo.uz) and now this information became available to the general public. Welcoming this decision of the Government, authors of this report reviewed the database. It becomes clear that more than 2000 non-governmental organizations in the database of the Ministry of Justice are all mosques on the territory of Uzbekistan. More than 1500 organisations are association of water consumers (for example, in Buhara region there are 138 such associations, in Andijan-300, in Horezm – 127 and in Fergana – 140 and etc).

There are NGO created by the State, financed and managed by the State officials, such as the Women's Committee of Uzbekistan, headed by the Deputy Prime-Minister and this organization has branches in every smallest territorial unit of Uzbekistan and they are registered as a separate organization in the e-ngo database. Similarly, Yoshlar Ittifoqi (state managed organization registered as an NGO), has branches in every tuman accumulating 165 entries to the database. This database also includes pilgrimage places, political parties and their regional branches, mahalla kengashes in every tuman, and other organizations under control of authorities. Under the different estimates around 6000 NGO in the e-ngo database are organizations created by authorities and operate under their control.<sup>8</sup>

Due to the discussed above it is obvious that there are very few non-governmental organizations that are not directly managed by state operating in Uzbekistan and they face numerous administrative burdens and restrictions in their activities, practically also being under heavy control of the State.

The draft of the new Code on nongovernmental organizations prepared following the Order of the President of Uzbekistan from 4 October 2019 “On additional measures on increasing the effectiveness of the public control over the reforms in socio-economic sphere and also citizen's activism in conducting the democratic transitions in the country”. However, experts reviewed the Code and stated that it basically repeats restrictive provisions of the current NGO law.<sup>9</sup>

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<sup>7</sup> Information collected from the interviews with founders; publications in social media;

<https://www.gazeta.uz/ru/2020/01/27/ngo/>

and <https://centre1.com/uzbekistan/pochemu-v-buhare-ne-registriruyut-blagotvoritelnyuyu-nno/>

<sup>8</sup> <https://anhor.uz/society/pochemu-v-uzbekistane-slozhno-otkrity-npo>

<sup>9</sup> <https://anhor.uz/society/20799>