

Report for 78th Pre-Sessional Working Group on Uzbekistan

BY BUREAU FOR HUMAN RIGHTS AND RULE OF LAW AND
WOMEN'S RIGHTS COALITION

78TH PRE-SESSIONAL WORKING GROUP REPORT ON UZBEKISTAN

Gender-based violence (GBV) has become pervasive in Uzbekistan as a result of gender policies and approaches adopted by the Government in recent decades. Imposing so-called “national ideology”, the Government promotes patriarchal attitudes and strengthens gender stereotypes against women. During these years, the stereotypes portrayed women specifically as mothers and housewives, completely disregarding other roles women may decide to have in their societies. Even the most recent rhetoric of the highest State officials view a woman only in the framework of family and in the role of mothers and wives.¹

Efforts to challenge the Government’s policies regarding the status of women, eliminating violence against women and other important civil initiatives had been suppressed by the State since 2004 in its first crackdown against women NGOs, conducted through the Women’s Committee of Uzbekistan. Since that time women NGOs have faced enormous obstacles for legal recognition (registration), control over and execution of their activities, and even silencing voices of women-activists through legal barriers, threats and imprisonment.

Polygamy, early marriages, forced marriages are becoming increasingly normalized due to the policies of government picturing the main role of women as a marriage. Women are forced to agree to the status of the second and third wife as the stigma around single or divorced women is very strong in society.

The prevalence of violence against women was criticized by HRC in 2020. No comprehensive informational programmes exist to combat all forms of violence against girls and women. Contrary, Uzbek TV is full of programmes promoting the image of a good housewife and mother and discussing how girls should be educated to confirm this image. National girls’ contests promote uniformity and do not allow diversity in any form.

This report is prepared by two organizations: Bureau for Human Rights and Rule of Law of Uzbekistan and Women’s Rights Coalition (Uzbekistan). *Bureau for Human Rights and Rule of Law of Uzbekistan* has experience in reporting to CEDAW since 2010. This organization is dedicated to promoting women’s rights in Uzbekistan. *Women’s Rights Coalition* is an independent society of women activists monitoring women rights in Uzbekistan.

Legal Provisions on Discrimination

Although legislation of Uzbekistan provides anti-discrimination clauses on the grounds of sex, there is no prohibition of discrimination based on sexual orientation and gender identity. Lesbian and transgender women remain invisible to the legislation and face stigmatization and oppression with no means of legal protection.

Stereotypes and harmful practices

The image of women as a housekeeper is indoctrinated from the highest tribunes, despite the declarations on promoting gender equality. The president of Uzbekistan emphasizes that the role of a woman is in motherhood and creating a family: “For centuries humanity honours the image of the Sacred Mother. The true maternal love inspires us to great achievements [...]”.

¹ Shavkat Mirziyoyev, The biggest reform for me is to improve the lives of women and mothers enlightening every family (05 June 2020) <http://xs.uz/ru/32272>

The peace and wealth of our country is strengthened by the prayers of our mothers and selflessness of women.”² Disregarding the mutual responsibility of both parents he continues: “[...] the State and the society would infinitely appreciate if you will take the responsibility of educating our girls in the basis of high spiritual and moral values, as our future depends on them, [...]. In his speeches he frequently uses male images, placing the responsibility for males’ success on women: “If we want to have new Horezmi, Fergani, Beruniy, Buhari and Ulugbeks, we firstly need to raise our future mothers healthy, educated and having high moral qualities”.³

Tanzilya Narbaeva, the head of Senate says: “Women in their nature are housekeepers”⁴ and “Girls are vulnerable creatures. To grow up and become a good housekeeper she needs to understand many things”⁵. Calls for gender equality have no power in the stream of information that a woman must be a mother and bear a sole responsibility over her child’s well-being. The mutual responsibility of both parents is simply disregarded and thus more voices are heard for abolishing the practice of paying alimonies for the childcare in the case of divorce. Those who advocate for alimony's abolishment argue that if a woman does not want to obey and bear, she should be financially responsible for childcare costs.

Another consequence of the State imposed and supported gender stereotypes is the very young age at which women in Uzbekistan get married. In 2018, up to 62% of registered marriages were women aged 20-24 years.⁶ Approximately 23% of girls got married up to 20 years old.⁷ Women in traditional families are expected to give birth within the first year of marriage. This is dangerous for girls in their teenage years. Clearly, as a result of gender stereotypes being so widely promoted, women have less chances to graduate from tertiary education or pursue successful careers.

TV programmes promoting stereotypes

Currently, the State follows the policy of promoting gender stereotypes of a woman being an obedient housewife and a devoted mother. Mass media widely followed 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.

Authorities are not taking any attempts to combat discrimination and misogyny. Moreover, they participate in creating video content stigmatizing women. In December 2019, the Ministry of Justice launched a video illustrating the ruining of a child’s world and life when a woman divorces her husband. I.M., the author of NeMolchi.uz project, officially requested gender expertise of this video, no response was provided by the Senate’s Gender

² President’s speech <https://uzreport.news/society/prezident-jivotvoryashaya-materinskaya-lyubov-vdohnovlyayet-nas-na-velikie-sversheniya>

³ Ibid

⁴ <https://themag.uz/post/intervju-s-tanzilej-narbaevoj>

⁵ <https://repost.uz/women-in-politics>

⁶ Gender Statistics <https://gender.stat.uz/ru/v-group-ru/865-protsent-zhenshchin-vstupivshikh-v-brak-v-vozraste-20-24-let-ot-obshchego-chisla-zaregistrovannykh-brak-2>

⁷ Gender Statistics <https://gender.stat.uz/ru/osnovnye-pokazateli/demografiya/braki-i-razvody/1064-chislo-brakov-po-voznastu-zhenikha-i-nevesty-v-2018-godu-v-edinitsakh>

Commission. Rather they forwarded her letter to the Ministry of Justice and the latter responded that there was no violation of women's rights in the video.⁸

The Senate's Gender Commission is not performing its announced tasks for fighting against gender stereotypes. Recently, they made no interventions against the videoclip demonstrating harassment of girls as manifestation of love.⁹ This time Irina Matvienko published her letter to the Gender Commission openly but still there was no public response.¹⁰ Thus authorities entitled to observe implementation of gender equality and prevent stereotypes and abuse against women, ignore obvious cases of women stigmatization through the media.

Women in sexual exploitation

The Government so far refuses to work towards the decriminalization of sex work and subsequent criminalization of consumers using sex as commodity. Moreover, the Ministry of Internal Affairs openly publishes on their website photos of women involved in sexual exploitation, disregarding the fact that they might be victims of sexual exploitation. The State report (para 75) describing the measures taken against women prostitutes and procurers illustrates the approach of authorities directed at women already involved in sexual exploitation, but does not tackle the root causes.

Political Participation

Political participation of women remains significantly low¹¹:

- The number of women in the lower chamber of Parliament (January 2020) – 32%
- The number of women-senators (January 2020) – 24.7%¹²
- The number of women in managerial positions (2019) – 26.7%. (0,3% lower than in 2018).
- The number of women, working in Executive organs – 2.9%¹³ (2019) и 5% (2020)
- The number of women-judges (2020) – 12.4%¹⁴
- The number of women in internal affairs (2020) – 3.2% (8.2% in 2019)¹⁵

Freedom of association in general and necessity to get approval of WC for the registration of women's rights organisation – discriminatory

Registration of NGOs still has a permissive character in violation of Uzbekistan's international obligations. In addition, according 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. Article 202(1) of the Administrative Code provides that involving others to not registered NGOs is illegal and punishable by a heavy

⁸ <https://nemolchi.uz/2019/12/24/rolik-o-razvodah-ot-minjust-narushenie-zakona-o-ravnyh-pravah-i-vozmozhnostyah-dlja-muzhchin-i-zhenshin/>

⁹ <https://fergana.news/articles/114945/>

¹⁰ <https://t.me/nemolchiuz/1490>

¹¹ <https://uzbek.review/in-uzbekistan-school-textbooks-can-be-amended-to-eliminate-gender-stereotypes/>

¹² Gender Statistics <https://gender.stat.uz/ru/iv-group-ru/1315-dolya-zhenshin-zanimayuschikh-dolzhnosti-deputatskie-senatorskie-mesta-v-zakonodatel-noj-palate-olij-mazhlisa-i-senate-olij-mazhlisa-2020-goda>

¹³ Gender Statistics <https://gender.stat.uz/en/iv-group-en/1200-th-share-of-women-working-in-ministries-and-state-committees-in-ministerial-equal-positions>

¹⁴ Gender Statistics <https://gender.stat.uz/en/iv-group-en/1203-the-share-of-women-among-judges>

¹⁵ <https://gender.stat.uz/en/iv-group-en/1202-the-share-of-women-among-internal-affairs-officers>

fine or an administrative arrest of up to 15 days. Once administrative liability is applied, activists risk being charged under Article 216(1) of the Criminal Code involving others for the work of prohibited public or religious organizations (all considered NGOs), and can face up to 3-years imprisonment.

The registration process itself is complicated and burdensome. The Article 22 of the NGO Law 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. 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” (women organized 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;
- Women organised Centre for Contemporary Journalism got their registration in the 8th attempt;
- HIV Positive women in Samarkand were able to register after 13 attempts;
- Young activists organization reported their 9th refusal;
- NGO “Mehridaryo” in Buhara, aiming to rehabilitate female ex-prisoners, got refused registration on their first attempt. The letter of refusal stated that the Board of Trustees lacked the 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, the NGO received its registration.¹⁶

Following the registration process, women NGOs in Uzbekistan face total control over their activities. According to the Article 8 Law “On Non-Governmental Non Commercial Organizations” a 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 them to inform about any visits to foreign countries.

Despite this total control, 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 and now this information has become available to the general public. Welcoming this decision of the Government, authors of this report reviewed the database. It became clear that more than 2000 non-governmental organizations in the database of the Ministry of Justice are all mosques on the territory of Uzbekistan.

This database also includes pilgrimage places, political parties and their regional branches, mahalla kengashes in every territorial unit, and other organizations under control of authorities. Under the different categories, it can be estimated that around 6000 NGOs in the e-ngo database are organizations created by authorities and operate under their control.¹⁷

¹⁶ 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-ngo/>

¹⁷ <https://anhor.uz/society/pochemu-v-uzbekistane-slozhno-otkritiy-npo>

The draft of the new Code on Nongovernmental Organizations prepared following the Order of the President of Uzbekistan from 4 October 2019 states that “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.¹⁸

Due to the discussed above, it is evidence that there are very few non-governmental organizations that are not directly managed by the State operating in Uzbekistan and they face numerous administrative burdens and restrictions in their activities, practically also being under heavy control of the State. Registered women organisations have to follow the State policy to be able to keep their registration. Their initiatives often strengthen gender inequality, pay gaps and stereotypes. For example, Istiqbolli Avlod State supported registered organisation has sewing workshops and for rehabilitation purposes educates this profession to trafficked women. Considering that sewing is one of the lowest paid professions, women still find themselves in the trap of sexual exploitation looking for better earnings. Similarly, numerous other registered NGOs, and State officials promote women being employed in the low-paid work, aiming to allow them to provide servitude to their relatives at home.

The Gender Commission reported in May 2020 that they conducted a series of workshops for rural women on computer literacy. However, this caused deserved criticism as firstly rural women in their vast majority have no computers at home. Secondly, the internet connection is very low and expensive in Uzbekistan and hence they lack access. If such programs were to be designed by independent activists, a more effective approach could be followed. For example, considering the wide availability of mobile phones, compared to computers, educating rural women to use mobile technologies, SMM, and others.

Women human rights defenders

In June 2017, **I. Sh.** participated in the organisation of a meeting to collect signatures for the letter requiring justice for Jasurbek Ibragimov, a young student who died as a result of beatings. On 15th November 2017, Irina was arrested for 15 days and fined for Violation of Protests’ Organization Order (Article 201 of Administrative Code) and Creation of Conditions for Unauthorized Meeting and Demonstrations (201-1 of Administrative Code).¹⁹

M.G. on 26 September 2017, initiated a collection of signatures asking authorities to provide effective measures for animals' protection.²⁰ She was charged under the same articles as Irina Shahnazarova and spent 10 days in administrative arrest and was fined 60 amounts of minimum wage.

Freedom of assembly is not only provided in the Constitution of Uzbekistan but also falls within international obligations under the ICCPR. However, demonstration of women's civil activism in Uzbekistan is punishable by the Codes of Uzbekistan having lower position in the hierarchy of laws.

N.O., a blogger from Horezm region has been monitoring human rights violations for several years. In the end of September 2019 she joined a peaceful march from Horezm to Tashkent

¹⁸ <https://anhor.uz/society/20799>

¹⁹ <https://www.gazeta.uz/ru/2017/11/18/women/>

²⁰ Ibid

requesting to stop criminal persecution of poet and journalist Mahmud Radjab.²¹ She published interviews with participants, law enforcement and local administration trying to stop the march. On 23 September, participants of the march were beaten by police. N.O. and 13 other people were detained. In violation of Uzbekistan law, prohibiting detention of mothers of young-aged children, N.O. was sentenced to 10 days arrest. She was allegedly tortured during her detention. On 26 September she was forced to psychiatric treatment after “attempted suicide”.²² On 28 December 2019 following the international pressure N.O. was released and forced to flee the country a month later as she claimed continued threats against her life.

In March 2020, human rights defender **I. M.**, the author of NeMolchi.uz (project on VAW) received a notification obliging to remove or edit the article, written by a victim of sexual violence.²³ This notification was sent upon the request of Uzbek media regulator, the Agency for Information and Mass Communications that the website was “disseminating immoral content”. The victim was sexually abused when she was a child and this story was equalised to child pornography. Irina sent a letter to the Foundation for Support of Mass Media headed by the president’s daughter Saida Mirziyoyeva. However, she did not receive a response until the case was widely published by foreign media, human rights NGOs and foreign ambassadors. Backlash on the international arena forced the Agency to withdraw notification.

Education

Gender stereotypes and patriarchal attitudes continue to develop in secondary education. School textbooks have been reported to contain gender stereotypes. Schools provide labour classes clearly dividing male and female work being taught to children. Girls learn to sew, cook and other housework tasks, while boys are trained in woodworking and maintenance work. No sexual education programme has been introduced to schools. Rather, the State prefers to force girls of higher school classes to undergo medical examinations (no boys are forced to do so). During such checks it has been reported that girls are forced to have ultrasound checks, presumably to find pregnancy cases among schoolgirls.²⁴ Despite such “measures” the number of unwanted pregnancies continue to increase. The forced ultrasound checks for school aged girls are no more than a method of deterrence and control, as in no way they can prevent young people from having unprotected sex.

The State offers privileges to Universities’ admissions for persons who complete the military services in Uzbekistan’s army.²⁵ The benefits assume adding 30% to the achieved score at admission exams. Considering that the military services are only available to male citizens aged 18 or above, this discriminatory provision significantly affects the chances of girls and women to be admitted to the universities of Uzbekistan on a fee-free basis. In 2018, only one girl was admitted to the Tashkent State Institute of Law on a fee-free basis. Although she scored very high, she could barely compete with former military servants whose scores were increased to 30%.

²¹ <https://cpj.org/2019/10/a-blogger-forced-into-psychiatric-clinic-in-uzbeki/>

²² <https://eurasia.amnesty.org/2019/12/12/amnesty-international-nachinaet-kampaniyu-za-osvobozhdeniya-blogera-nafosat-oloshkurovoj-iz-uzbekistana-2/>

²³ <https://www.frontlinedefenders.org/en/case/attempted-silencing-human-rights-portal-nemolchiuz>

²⁴ Ozodlik, 30.01.2020 <https://rus.ozodlik.org/a/30405702.html>

²⁵ Quotas , appendix 2 (8) <https://lex.uz/docs/4368106>

In cases when most of the fee-free places in the universities become occupied by former military servants, female applicants have less chances to get education on the scholarship basis. Moreover, patriarchal attitudes persistent in the society force girls to choose female professions where although low paid and working less hours, they could have more time to serve their families.

The index of gender parity decreases with the increase of educational stages. In 2018, the secondary education parity was 0.98, the tertiary education was 0.79.²⁶ Gender inequality is seen in the tertiary education system: from 2018-2019 only 31.8% of students enrolled in universities were females.²⁷ The similar trend can be observed at the doctoral level, however in certain regions of Uzbekistan, particularly in Surhandarya, female researchers represent only 10.5% and in 28.3% Samarkand.²⁸ Researchers in STEM and technical sciences also represent a significant gender gap, ranging from 11.7% to 17.6 %.

The number of women in academic staff of the universities is on average 43.2%, with lower numbers in Namagan (24.7%), Djizak (31.3%) and Kashkadarya (32.5%) regions.

Employment

Women in Uzbekistan are mostly unemployed or employed in the unofficial sector. The gender statistics demonstrate that on average out of all those employed in the official sector, only 38.8% were women, while in Surhandarya, Djizak and Sirdarya regions this number goes as low as 28%.²⁹

In 2018:

Women employed in the informal sector (without agriculture) represents 27.1%³⁰

Women owning businesses – 21.9%³¹.

Women CEOs – 11%³²

Women unemployed (16 – 25 years) – 20.3%³³

Uzbekistan legislation does not mandate equal remuneration for work of equal value. No research has been conducted on wage gaps in the non-state sector. During the last 4 years the wage gap has been rising:

2016 – 32.5%

²⁶ Gender Statistics <https://gender.stat.uz/ru/i-group-ru/886-indeks-gendernogo-pariteta-po-okhvatu-nachalnym-srednim-i-vysshim-obrazovaniem>

²⁷ Gender Statistics <https://gender.stat.uz/ru/osnovnye-pokazateli/obrazovanie/vysshee/1138-vypusk-spetsialistov-vysshim-obrazovatelnyimi-uchrezhdeniyami-po-polu-i-vidam-obucheniya>

²⁸ Gender Statistics <https://gender.stat.uz/ru/osnovnye-pokazateli/obrazovanie/doktorantura/1140-starshie-nauchnye-sotrudniki-soiskateli-po-polu-i-regionam>

²⁹ This data is provided for 2015, the latest available publication in Uzbekistan

<https://gender.stat.uz/ru/osnovnye-pokazateli/trud/zanyatost-naseleniya/624-sootnoshenie-zhenshchin-i-muzhchin-v-obshchej-chislennosti-zanyatykh-v-ofitsialnom-sektore-ekonomiki-v-2015-godu>

³⁰ Gender Statistics <https://gender.stat.uz/ru/i-group-ru/1261-dolya-zanyatykh-v-neformalnom-sektore-v-protsektakh-ot-obshchej-bez-selskokhozyajstvennogo-sektora-zanyatosti-za-2018-god>

³¹ Gender Statistics <https://gender.stat.uz/ru/i-group-ru/1260-protsekt-firm-sobstvennikami-kotorykh-yavlyayutsya-zhenshchiny-za-2018-god>

³² Gender Statistics <https://gender.stat.uz/ru/i-group-ru/1147-pol-rukovoditelya-predpriyatiya-i-organizatsii-po-polu-2018>

³³ Gender Statistics <https://gender.stat.uz/ru/i-group-ru/1262-uroven-bezrabotitsy-sredi-zhenshchin-i-muzhchin-v-vozraste-16-25-let-za-2018-god>

2017 – 34.6%
2018 – 38.6%³⁴

In Uzbekistan women still have prohibited jobs to be employed. Article 225 of the Labour Code prohibits women from being employed on works with unfavourable conditions, underground works. This article also prohibits women lifting and moving heavy subjects. However, in practice during the cotton harvest time, women (teachers, nurses, doctors) are forced to do cotton picking which is considered to be a job with very unfavourable conditions due to the heavy use of pesticides, and because they lift and move heavy bags with cottons. Thus existence of this prohibition is no more than limitation of women participation in the labour market on the equal basis with men and it opens the floor for manipulations and discrimination against women. Women are employed in jobs related to cleaning streets, for example. This job can also be identified as prohibited as stipulated by Article 225 because it assumes that they are working in unfavourable conditions and requires them to lift heavy garbage, as the only equipment they have is a broom while using light face covering. Another example of such work is nursing. In the vast majority, the nurses in Uzbekistan are women (with rare examples of male nurses in psychiatric hospitals), this job also assumes working in unfavourable conditions, especially with infectious diseases, and lifting heavy patients. These jobs pay women very low wages and have such low status in the society that men do not apply to them. Contrary, with jobs of higher wages, the State provides employers with Article 225 of the Labour Code to refuse a woman to be employed under the legitimate grounds.

Responsibility to pay maternity leaves for non-state organizations still remains with employers rather than the State budget.³⁵ This creates inequalities for young women in employment opportunities in the non-state sector, as employers are reluctant to employ them fearing the burden of maternity leave payments. Women find themselves moved to the State sector which pays less compared to business enterprises.

Sexual harassment is not explicitly defined in Uzbekistan legislation, including when it happens at the workplace. Even though sexual harassment is mentioned in both the Law on Equal Rights and Law on Violence Against Women, there are no enforcement mechanisms for women's protection. There are no criminal penalties or civil remedies for victims of sexual harassment.

Impunity on sexual harassment of women has a great impact not only on the mental capacity of women, but also leads to the humiliation of women and domestic economic violence against them. In the absence of the comprehensive legal prohibition sexual harassment becomes a cultural norm that men have a right to touch or force women to sex, especially working those under their supervision. In this way the sexual harassment in the workplace becomes normalized in the society. Moreover, this creates a harmful gender stereotype that working women are easy to get and men, directed by this stereotype, prohibit their wives and daughters to pursue their careers and thus this leads to economic dependence of women and increases their vulnerability to abusive relationships.

³⁴ Gender Statistics <https://gender.stat.uz/ru/i-group-ru/904-protseptnaya-dolya-raznitsy-mezhdu-srednemesyachnoj-zarabotnoj-platoj-muzhchin-i-zhenshchin-k-srednemesyachnoj-zarabotnoj-plate-muzhchin>

³⁵ On Prognosis of Main Macroeconomic Indicators and Parameters of the State Budget of the Republic of Uzbekistan for 2020 <https://lex.uz/ru/docs/4635018>

Moreover, impunity of sexual harassment at workplace leads to women being forced to work under increased stress-related conditions. Their mental capacity is believed to be affected by constant sexualized pressure and it leads to depression.

Access to healthcare

New law “On Protection of Reproductive Health” was adopted in March 2019. This law has controversial provisions regarding the access of pregnant women to healthcare. Article 18 provides that abortion shall be conducted on a woman’s request up to 12 weeks of pregnancy and anytime when there is an indication of condition threatening a woman’s life. Article 11 states that any medical manipulation during the pregnancy should be carried out with written consent of both spouses, when the spouse is absent – with consent of a woman herself or her parents or other legal representatives in the case of underage or incapacity. This provision is discriminatory against women as it opens the possibility for men to force their wives to give birth by not giving consent. Article 115 of the CCU provides punishment for forcing woman to abortion, however, there are no provisions for forcing women into reproductive labour.

The burden of contraception fully lies with a woman, even distribution of condoms in polyclinic services are done by the gynaecologists. State does not consider the possibility of providing funding for vasectomy, despite its relative safety compared to surgical sterilization of women. The latter continues to be manipulated by the healthcare authorities. The requirement for the gynaecologists is to report on the number of tubal ligations remaining in force throughout the report period. The general polyclinic healthcare also focuses on contraception of women. Women experience pressure when they take their children to general practitioners, being forced to answer questions on the method of contraception used.

Marriage

Forced marriages are widespread practice in Uzbekistan. Mainly they happen in the early years of young women’s lives. 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, combating 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.

Polygamy is becoming widespread in Uzbekistan despite existence of rather weak prohibition. Article 126 of the CCU is frequently misinterpreted by the general public that it applies only to people cohabiting under the same roof. There is no advocacy work against polygamy and religious authorities (state-financed) promote polygamy as Sunna for good Muslims contrary to the laws of Uzbekistan. Women in polygamous marriages have no legal protection in cases of divorce or death of spouse.

Divorce reduction policies

Throughout 2017-2020, 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 bound to refer couples applying for divorce to undergo hearings of the mahalla reconciliation committee of their neighbourhood before seeing the case.³⁶ 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 neighbourhood. 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 common neighbours 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 a victim-blaming approach, especially when GBV is in place. Human rights defenders, mass media and social networks reported numerous cases when reconciliation committee members attempted to force GBV 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 4th floor to take revenge on his wife for filing for a divorce.³⁷ He did it after the 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 WCU reported that it managed to “save” almost 18 000 families from divorce in 2018.³⁸ This policy is clearly not aimed at improving the safety wellbeing of GBV victims. The recent case clearly demonstrates the approach adopted by authorities in combating GBV. The Gender Committee of Uzbekistan created a channel in Telegram Messenger, where it reports how Djizak rehabilitation Center managed to save a family where a woman was facing continued psychological and physical abuse from her husband and mother in law. Moreover, they report that they helped this woman to overcome PTSD as a result of one consultation and she agreed to return to the abusive family.³⁹

Violence against Women

Violence against women topics were tabooed during the presidency of Karimov, however with the new leader in power there was no public condemnation of VAW, despite window-dressing reforms. No comprehensive and effective measures were adopted to tackle VAW and no effective practical measures towards gender equality were taken by authorities.

³⁶ 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

³⁷ <https://upl.uz/incidents/11970-news.html>

³⁸ Press-service release of the Women’s Committee 14.12.2018

<https://www.facebook.com/womenuz/posts/746690805683475>

³⁹ https://t.me/zoravonlikka_yol_yoq_netnasiliyu

On 15 June 2017, NeMolchi.uz the first informational project on combating VAW was launched in Uzbekistan.⁴⁰ An independent project by group of volunteers triggered public discussions on violence and discrimination against women after 6 months of its publications in the social media.⁴¹

In 2019 the Government of Uzbekistan finally adopted two important laws that have long remained in the form of drafts: Law against violence and harassment of women and the Law on equal rights of men and women. However, both of these laws lack enforcement measures and thus do not provide effective protection of women from abuse, violence and harassment. The legislation of Uzbekistan does not provide criminal penalties or civil remedies for women suffering from psychological and economic violence (although the definitions are provided in the Law on violence against women). Similarly, no means exist to protect women from economic violence. Uzbekistan legislation does not provide hate crimes as aggravating circumstances.

There is no enforcement mechanism against the breach of the protection order provided by the Law on “Protection of Women from Violence and Harassment”. Protection order designed to be issued for 30 days-period with the possibility of extension.⁴² However, Criminal Code and Administrative Code provide no mechanisms against the breach of the protection order. Moreover, the Resolution of the Cabinet of Ministers on Protection Order prohibits abusers to be in the same room with the victim of abuse. However, in May 2020, O.L. victim of abuse was called to the police station and locked in the room with the abuser for ‘a talk’ as it was explained to her by the police officer. Clearly, officers working on GBV cases lack the basic training and understanding why the protection order was introduced. Furthermore, there are no effective judicial mechanisms protecting women from sexual harassment.

Women remain vulnerable to street harassment or catcalling, which is extremely widespread especially against girls and young women. In rare occasions harassers can be charged for hooliganism, however it does not prevent gender-based street harassment. The effective prevention requires recognition of the street harassment as a separate offence in administrative and penal provisions.

Marital rape is not explicitly prohibited by the penal provisions. Uzbekistan’s Criminal Code provides persecution for rape, which contains clause on rape committed by a close relative. Despite the fact that legislation of Uzbekistan provides a definition to include spouses, the problem of marital rape remains tabooed topic and patriarchal stereotypes are deep-rooted that woman belongs to her husband and thus no consent is required for sexual relations between spouses.

The Government reports that it has opened 197 shelters in all parts of Uzbekistan. Only 2 shelters operate in Tashkent, the largest city of Uzbekistan with a population of 2.54 million people. The Tashkent City Centre of Rehabilitation and Adaptation has only 32 places for women and 4 for children. At least 121 State Centres are not working 24/7. They are physically unable to provide a secure place for victims of abuse and therefore so-called “shelters” do not advertise their existence and their work. All State shelters are called “rehabilitation” centres and their particular purpose is to save family – not protect women from GBV. From January

⁴⁰ <https://www.facebook.com/nemolchi.uz/>

⁴¹ <http://uza.uz/ru/politics/zabota-o-zhenshchinakh-i-ikh-vsestonomyaya-podderzhka-v-tse-07-02-2018>

⁴² <https://www.lex.uz/docs/4676892>

to April 2020 the Republic of Karakalpakstan's State shelters accepted 146 women – GBV victims (82 women were returned to families, 57 were reconciled with abusers and only 7 women could remain out of abusive relationships.)⁴³ Surhandarya, from January to May 2020 accepted complaints of 818 women: 370 were reconciled with abusers and 448 returned to abusive families.⁴⁴

The hotline of the former Women's Committee "1146" is tested to be unresponsive 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 GBV victims and no independent organizations providing legal aid and social support to GBV victims in Uzbekistan.

The State has monopolized NGO activities on women rights, and this practice worked to strengthen the stereotypes against women. In the end of the day women of Uzbekistan remain vulnerable to GBV without effective remedies for protection.

Victim-blaming and Rape

Victim-blaming is an institutional problem and it prevails in the work of law enforcement. On one hand this is explained by the training of the legal professionals in Uzbekistan. The Criminology course in Uzbekistan's Institutes of Law still contains Victimology topics. Legal professionals are taught about the victim-blaming narrative from the very first days and utilise this approach in their daily work. Victims of gender-based violence face victim-blaming systematically, and no effective measures have been adopted by the state officials to prevent it.

Rape convictions in Uzbekistan are low. The Supreme Court Resolution explains that rape is coitus with a female person against her will, performed using violence, threats or using her feckless condition.⁴⁵ Thus, if there were no penetration of vagina or anus by a penis, and a rapist only masturbated or used his hands or other subjects it will not be qualified as rape under the Articles 118 or 119 of the CCU. Furthermore, the use of feckless condition can be only used when the rapist was aware of it.⁴⁶ However when a victim was not manifesting apparent resistance, the coitus will be recognised as consensual. The law disregards possible reactions to stress, such as torpor or numbness. There is no understanding of informed consent provided in Uzbekistan legislation and it creates significant gap in persecution of rape case.

There is little available information on rape cases in the open access. Even if made available, the law enforcement continues to present this information with the clear victim-blaming approach. In November 2019, a young woman was gang raped in Qarshi city. On the next day the official news website of the Ministry of Interior published an article stating: "There is a fair question, how the parents of this girl allowed her to go for a walk in such late time? Isn't it a neglect to family education? This raises many questions".⁴⁷ Mass media does not receive rape related information directly from the law enforcement. In the rare occasions rape victims failing to find justice with the law enforcement can refer to Mass Media. However, this happens rarely as this is a taboo topic in Uzbekistan society.

⁴³ https://t.me/zoravonlikka_yol_yoq_netnasiliyu/169

⁴⁴ <https://telegra.ph/OBRAZCOVAYA-DEYATELNOST-AKTIVISTOV-SURHANDARINSKOGO-OAZISA-06-09>

⁴⁵ <https://www.lex.uz/acts/2414124> Para 2

⁴⁶ Ibid, para 2, 3 and 6

⁴⁷ https://www.gazeta.uz/ru/2019/11/11/qarshi/?utm_source=push&utm_medium=telegram

Another important factor affecting the numbers of rape convictions in is the efforts taken by law-enforcement not to open cases on the rape for statistical purposes. In January 2020⁴⁸ a 16 year old girl reported to police that she was raped by a taxi driver. Initially, she was very scared and ashamed of what had happened to her and followed her instincts to get washed. Her parents learned what happened and encouraged her to report the rape. The taxi driver confirmed that he raped the girl. However, law enforcement deliberately prolonged referral to forensic expertise and refused to open the case as they could not find medical evidence of rape.

In another case⁴⁹, a 16 year old girl was forced to drink alcohol and was gang-raped. Law enforcement refused to open the criminal case as alcohol was found in her blood and rapists claimed that it was a consensual sex.

In 2019, an 8-year old girl was raped by an 82-year old man and authorities released him on his own recognizance. When asked why such measures were chosen against the child rapist, authorities literally responded that the rapist “has no intentions to do such naughtiness”.⁵⁰

Torture against women

Torture is considered to be systematic in Uzbekistan.⁵¹ In relation to women it takes particular character based on their sex. The gender-based violence is considered to be an exacerbating factor for torture and ill treatment. Rape or sexual violence is considered not only used to cause mental or physical suffering but is also used by the strongest means to ‘humiliate the victim’⁵², with attacking her dignity (among other sufferings) being the main purpose of such dehumanizing actions.⁵³ HRC experts recognized that gang rape of detained women motivated by gender factors’ is not only a ‘severe violation of Article 7’ but also a violation of Article 26 of the ICCPR. To date, rape, threats of rape and stripping women’s bodies naked are most frequently used methods by law enforcement against detained women.

Forum 18 reports that in February 2016 four female Jehovah’s Witnesses in Samarkand were threatened to “undress her and rape her, after which he will take her out of the room naked so the others could see.”⁵⁴ In July 2017 in Urgench women were forcibly undressed down to their underwear during the raid to the religious meeting.⁵⁵ In July 2018 a woman being forced to strip naked by the law enforcement officer went viral in Uzbekistan social media.⁵⁶ The militia officer who tortured a woman was sentenced to 6.5-years imprisonment in November

⁴⁸ Interview with victim’s mother

⁴⁹ <https://rus.ozodlik.org/a/29874066.html>

⁵⁰ In Uzbekistan 82 years old man is suspected in the rape of 8 years old child 5.08.2019 <http://www.news-asia.ru/view//12645> emphasis added.

⁵¹ UNECOSOC Report of the Special Rapporteur on the question of torture, Theo van Boven, submitted in accordance with Commission resolution 2002/38 UN Docs E/CN.4/2003/68/Add.2 (3 February 2003) and UNGA ‘Report of the CtAT’ UN Doc A/48/44/Add.1 (15 November 1993), para. 39

⁵² ICTY Prosecutor v Furundzija IT-95-17/1-T (10 December 1998)

⁵³ OMCT ‘Written information for the List of Issues to be adopted at the 66th session of the UNCAT’ (2019) p15

⁵⁴ Forum 18 http://www.forum18.org/archive.php?article_id=2314

⁵⁵ Ibid

⁵⁶ BBC Uzbek article on torture video, July 2018; <https://www.bbc.com/uzbek/uzbekistan-44726256>; more information on video https://www.youtube.com/watch?v=S_ug6tpUoDI

2018.⁵⁷ Two facts related to this video remained ignored by the authorities. First, another woman's shouting and crying can be heard on the video. Secondly, no other militia officers silently observing the torture of women were made accountable.

Torturing women in Uzbekistan is not considered to be a grave crime. A law enforcement officer got 6.5 years for a crime recognized as crime against humanity. On the contrary, a tortured woman was sentenced to 5.2 years of imprisonment for petty theft with estimated damage of 37 US Dollars.⁵⁸

Forum 18 reported at least two incidents in Urgench when women were threatened by the militia officers with deprivation of parental rights.⁵⁹ In Djizak, 16 police officers tortured a 19 year old woman to sign a confession.⁶⁰

Recommendations

We are asking the CEDAW Committee to recommend and influence the Uzbekistan government to:

- Include explicit prohibition of discrimination on the basis of sexual orientation and gender equality through the proposal and development of an Anti-Discrimination Legislation.
- Provide temporary special measures in the form of quotas in the State bodies aiming to eliminate harmful gender stereotypes, with appropriate training of women-politicians and women in other political roles (senators, women in ministerial positions, etc).
- Gender sensitive language should be adopted by the highest ranked officials (including president, head of Senate, members of parliament, local governors and other officials, making statements to the Media) in the country - . The State should refrain from promoting harmful gender stereotypes, limiting women to their roles of mother and housewife.
- Conduct gender expertise of Mass Media programmes and provide guidelines to avoid promoting harmful gender stereotypes.
- Review NGO legislation and provide freedom of associations and assembly in accordance with international obligations.
- Provide incentives and opportunities for women activism, including the simplification of the process of registration and access to international funding for women NGOs.
- Stop persecution of women human rights defenders.
- Combat victim-blaming approach by firstly reviewing the training manuals and curriculum of lawyers and law enforcement professionals.
- Eliminate harmful gender stereotypes from school textbooks and programs promoting harmful stereotypic gender roles.
- Introduce age-appropriate sex education in schools.

⁵⁷ Kun.uz Sanat Umarov Sentenced for 6.5 years 21.11.2018 <https://kun.uz/uz/news/2018/11/21/sanat-umarovga-sud-ukmi-ukildi>

⁵⁸ Kun.uz Tortured woman was imprisoned. 10.05.2018 <https://kun.uz/81799933>

⁵⁹ Forum 18, UZBEKISTAN: "Illegal Christian Wahhabi activity" 5.12.2018 http://www.forum18.org/archive.php?article_id=2434

⁶⁰ Forum 18 UZBEKISTAN: Raids, large fines, torturers and thieves unpunished 26.11.2018 http://www.forum18.org/archive.php?article_id=2431

- Abolish the practice of providing benefits to male applicants to universities upon completion of the military service as discriminatory against women.
- Review maternity leave payments leading to inequality for women in the employment market.
- Abolish Article 225 of the Labour Code as discriminating against women and being contrary to international obligations on human rights.
- Mandate the equal remuneration for work of equal value in the labour legislation.
- Explicitly define sexual harassment at workplace and provide criminal prosecution and civil remedies for women suffering from sexual harassment at work and on streets.
- Review family control practices to lift the burden of contraception exclusively from women and involve their partners in the family planning process by providing access to funded vasectomy. Clarify or abolish Article 11 of the Law on Reproductive Health requiring the consent of husband or parents to medical manipulations during the pregnancy.
- Introduce a comprehensive and complex approach to be taken by all branches of power and tackling gender stereotypes as a root cause of early marriages.
- Abolish divorce prevention policies and promote the use of marital contracts.
- Transfer GBV from the cases of private accusation to public accusation. Currently, GBV cases are prosecuted only with the appeal of the victim and as they face further pressure from the abuser and his relatives in many cases they cancel their appeals. This practice should be abolished and the right to initiate the prosecution should be transfer to public.
- Provide effective civil remedies for victims of economic and psychological violence. Amend Criminal and Administrative Codes of Uzbekistan to ensure enforcement measures for breach of protection orders.
- Eliminate gender based violence within state detention centres and prisons, by introducing complex measures as recommended by HRC and CtAT.