

# UZBEKISTAN

**Civil Society Report on the Implementation of the ICCPR**

**(Replies to the List of Issues CCPR/C/UZB/Q/4)**

- **Uzbek-German Forum for Human Rights**
- **Human Rights Alliance, Uzbekistan**

*June 2015*

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**COMMENTS FROM  
CIVIL SOCIETY ORGANISATIONS  
ON THE LIST OF ISSUES**



**IN VIEW OF THE REVIEW OF THE FOURTH REPORT OF UZBEKISTAN**

**(CCPR/C/UZB/4)**

**114<sup>th</sup> session of the Human Rights Committee**

**Geneva – July 2015**

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## Introduction

This memorandum provides updated information on the Uzbek-German Forum's and the Human Rights Alliance's key concerns regarding the human rights situation in Uzbekistan with respect to list of issues identified by the Human Rights Committee (the "Committee"). We hope that it will help inform the Committee's dialogue with the government of Uzbekistan (the "government") on the government's implementation of the International Covenant for Civil and Political Rights (the "Covenant"). For further information, please see: [uzbekgermanforum.org](http://uzbekgermanforum.org), or contact the Human Rights Alliance at [elena.urlaeva@gmail.com](mailto:elena.urlaeva@gmail.com).

### a. Authors of the report

The Uzbek-German for Human Rights is a Berlin-based human rights organization that researches, reports, and advocates extensively on human rights issues in Uzbekistan, including forced labor in the silk and cotton production sectors, torture, and freedom of movement, expression, association, and assembly.

The Human Rights Alliance is a Tashkent-based group of activists that monitors the human rights situation in Uzbekistan particularly with regard to forced labor, torture housing rights, freedom of speech, expression, and assembly, among others. The Alliance also responds to citizens' appeals for assistance and advocates for positive change through peaceful action.

### b. Methodology

The information in this report is based on extensive research, including numerous interviews with people in Uzbekistan. The information is also based on the discussions of a two-day consultation with Uzbek defenders, organized by the CCPR-Centre in Geneva on 24-25 November 2014. The outcomes of a two-day conference with human rights defenders, experts and journalists specialized in the fight against corruption in Eurasia countries were also taken into account.<sup>1</sup> The report was drafted by Allison Gill.

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## Government of Uzbekistan's Engagement on Human Rights (art. 2)

We note with concern the continuing deterioration of the human rights situation in Uzbekistan since the Committee's 2009 review. Since then, the government has intensified steps to prevent all external or independent scrutiny of its human rights record or of the situation in the country. It has kicked out or prevented from working all international human rights monitoring organizations, independent journalists, and has intensified persecution of domestic independent human rights, civic, and political activists. The government continues to deny access to all UN special procedures that have requested country visits and takes steps to limit information about the human rights situation. These efforts to avoid scrutiny and meaningful engagement to improve the atrocious human rights situation are also apparent in the government's replies to the List of Issues identified by the Committee. In numerous responses the government alleges that

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<sup>1</sup> "Raiding the Coffers, Violating Rights": A Conference on Corruption and its Impact on Human Rights in the Post-Soviet World: A Challenge of Domestic and International Proportions" was organized by CCPR-Centre in partnership with the Open Society Foundations, on the 26<sup>th</sup> and 27<sup>th</sup> of November 2014 at Bern, Switzerland.

the Committee's information is "untrue" or comes from unreliable sources in an effort to "spread disinformation." These responses are indicative of the government's willingness to engage in meaningful dialogue to improve its record under the Covenant and other binding human rights obligations. We believe that exposing and discussing issues is fundamentally essential to initiating and implementing real reform.

Further, there are no mechanisms inside Uzbekistan that can help hold the government to account or help the government ensure its own compliance with the Covenant. Uzbekistan's national human rights institutions are extremely weak and lack independence. For example, the Ombudsman does not conduct thorough or effective investigations into complaints received but, as a matter of practice, forwards the complaint to the authority alleged to have committed the violation. The National Human Rights Centre acts as a mouthpiece for government policy and does not act independently or have a mandate that promotes government accountability on human rights.

Corruption is a central issue in Uzbekistan that negatively affects the enjoyment of human rights. Corruption is endemic throughout the government and private sector, from low-level officials demanding petty bribes to high levels of government receiving huge sums of money from companies. Corruption undermines the rule of law in Uzbekistan, making it impossible for people to protect their human rights or seek redress for violations, and diverts resources from public services. In some cases, corruption also drives human rights violations and impedes reform, such as with freedom of movement and forced labor (see fuller discussions of these issues below). We respectfully request that the Committee take note of the role of corruption on the human rights situation in Uzbekistan and urge the government to address corruption as a matter of priority in order to better fulfill its obligations under the Convention.

**Recommendations:**

**The State Party should:**

- 1) Allow immediate and unfettered access to all UN Special procedures that have requested country visits to Uzbekistan to ensure independent scrutiny and recommendations.
- 2) Ensure full compliance with the Committee's Views adopted in respect of the State party by, inter alia, establishing an independent, thorough, and effective mechanism to investigate allegations of torture or other ill-treatment, prosecute perpetrators, and provide remedies to victims.
- 3) Strengthen the independence of the Ombudsman institution in accordance with the Paris Principles.
- 4) Undertake comprehensive anti-corruption measures, including through increased accountability for officials and increased transparency in the cotton and silk production sectors.

**Accountability for the Andijan Massacre and Ongoing Persecution of Andijan Witnesses and Survivors (arts. 6, 7, 12, 17, 19)**

The government has blocked all efforts to ensure an independent, impartial, and effective investigation into the Andijan events of May 2005, and to date there has been no accountability

for the events, including the disproportionate use of lethal force by government forces against mostly unarmed protestors that killed hundreds of people. In dozens of consistent, credible accounts documented by the authors of this report since 2005, eyewitnesses to the Andijan events told us that government forces in armored vehicles, snipers, and soldiers lying in positions along the ground fired into the crowd of protestors, blocked the exits to the square, and shot at columns of people attempting to flee the square. They saw hundreds die. They also observed that soldiers then moved about the square and executed wounded people. People who returned to the square the next morning witnessed soldiers loading truckloads of corpses.

Following the massacre, the government launched a ruthless campaign of intimidation and persecution against survivors and witnesses of the events of May 13, 2005, as well as against human rights activists, journalists, and others who worked to expose the truth. In the months and years following the massacre, the government kicked out or interfered with the work of numerous independent national and international groups and journalists, and many human rights activists and journalists were forced to flee the country, fearing persecution, imprisonment, and ill-treatment.

The government continues its campaign of persecution against survivors and witnesses of the Andijan massacre to this day. Numerous people who witnessed the Andijan events fled the country told us in recent months that authorities in Uzbekistan continue to persecute and harass their relatives, forcing them to report regularly to police stations, sign statements about their activities, and attempt to coerce them to lure their relatives abroad to return to the country. One witness to the Andijan events told us in March 2015 that authorities force his elderly parents to report to the local police station every month and subject them to interrogation, and that the authorities denied them exit visas preventing them from traveling abroad to visit their son. Another woman who fled Uzbekistan following the Andijan massacre told us in April 2015 that she cannot have contact with her relatives in Uzbekistan because authorities harass them and force them to report on all contacts with her.

The case of **Diloram Abdukadirova** highlights the viciousness and persistence with which the government pursues witnesses and survivors. Abdukadirova, 49, witnessed the massacre and was separated from her family. She fled across the border to Kyrgyzstan, but husband and children remained in Uzbekistan. Abdukadirova was eventually resettled as a refugee in Australia. Authorities in Uzbekistan pressured her relatives to convince Abdukadirova to return and made numerous assurances to them that she would not face reprisals. Abdukadirova returned to Uzbekistan in January 2010 and was detained at the airport and eventually released. She was arrested in March 2010 and convicted of illegal border crossing and anti-constitutional activity after an investigation and trial that violated due process guarantees. A court sentenced her to ten years in prison. In 2012 she received an additional sentence of eight years for allegedly violating internal prison rules (see below).

#### **Recommendations:**

##### **The State Party should:**

- 1) Immediately allow unfettered access to an independent investigation into the events in Andijan of May 2013 and their aftermath.

- 2) Cease harassment, including surveillance, interrogations, arbitrary detention, and monitoring of communications of witnesses and survivors of massacre and of their relatives.
- 3) Cease harassment and persecution of human rights defenders and journalists who monitor the aftermath of the Andijan events and share information.
- 4) Immediately release Diloram Abdukadirova and all other returned Andijan refugees who were arbitrarily arrested and convicted after returning to Uzbekistan.

### **Torture and (art. 7)**

Torture and other forms of cruel, inhuman, and degrading treatment or punishment continue to be routine and widespread in Uzbekistan in every part of the criminal justice system, including investigation, pre-trial detention, and the prison system. Torture during investigations is used to elicit confessions or incriminating evidence. Troublingly, despite instructions from the Supreme Court not to admit torture-tainted evidence, judges admit torture-tainted evidence into court proceedings, fail to order investigations into credible allegations of torture, and convict defendants on confession evidence alone, even where a defendant has alleged that the confession was made under torture. Officials carry out torture and often use detainees or prisoners to torture at their behest.

In its response to the Committee's question on this issue, the government asserts that "Questions concerning the use of torture and other forms of ill-treatment are discussed in meetings of the Ministry of Internal Affairs, the Office of the Procurator General, the Parliament, the Supreme Court in plenary session and the interdepartmental working group. Representatives of the media and non-governmental organizations (NGOs) attend." It is important to note that independent NGOs and civil society activists do not participate in these meetings and discussions. Independent NGOs and journalists are not permitted to participate in government working groups or other events and the government refuses to engage in dialogue or share information with independent journalists and NGOs.

Further, we have continued to document credible allegations of torture made by detainees in pre-trial detention and prisoners in prison colonies. We do not know of any cases in which the government has undertaken an independent, effective, and thorough investigation into allegations of torture, even where the allegation was made in court as in the case of Tashkent architect **Bakhtiyor Khanazarov**, arrested by SNB officers from his office in Tashkent on January 17, 2013 for allegedly accepting bribes. While at the Sergeli district police station in Tashkent, police denied him food and water for three days and subjected him to frequent prolonged beatings to coerce him to confess to the charges. One officer knocked Khanazarov's tooth out. Unable to withstand the torture, Khanazarov signed a confession and was subsequently transferred to the Tashkent remand prison (SIZO), known as "TashTyurma" to await trial. An officer visited Khanazarov several times and took him to a separate room where he subjected him to torture to sign a statement incriminating another person. Khanazarov reported that the officer beat him, stuck needles under his fingernails, and kicked him in the back. Eventually, Khanazarov signed the statement. At his July 2013 trial, Khanazarov testified that he was tortured to confess but the judge ignored his testimony and convicted him to seven years in prison. Khanazarov was released under an amnesty in September 2014. Khanazarov's sister, **Gulnora Khanazarova**, approached the Human Rights Alliance to help for her brother and in December 2013 participated

in the Alliance's Constitution Day demonstration. She was arrested during the demonstration. After her release, four men broke into her apartment, beat her and her 73-year old mother, tied them up, and stole gold jewellery and money.

In another recent torture case, **Badriddin Abdurahimov** was released from prison in October 2014, where he was serving a sentence for murder. Abdurahimov was only 17 years old when he was arrested. According to Abdurahimov, in September 2010, he witnessed the murder of a driver and told his father what he saw. His father took him to the police station in Badriddin Guzar district in the Kashkadarya region to report the crime. Abdurahimov said the police began to beat him as soon as his father left and coerced him, a minor without legal counsel, to sign a confession to the murder.

#### **Recommendations:**

##### **The State Party should:**

- 1) Issue an invitation to the UN Special Rapporteur on Torture and other Forms of Cruel or Degrading Treatment or Punishment to undertake a country visit in full accordance with his mandate.
- 2) Issue instructions to judges to exclude torture tainted evidence from all proceedings and how to respond to allegations of torture.
- 3) Ensure all defendants have the right to access the counsel of their choice upon their deprivation of liberty.

#### **Prison Conditions, Deaths in Custody, Arbitrary Addition of Sentences (art. 2, 6, 7, 9, 10, 14)**

We continue to receive credible reports of deaths in custody for which no effective or independent investigation is carried out. Usually, when a prisoner dies in prison the authorities return the body to the family, often at night or in the early morning, and pressure the family to bury the body the same day. Police and other security forces sometimes surround the house or funeral. These actions are taken to intimidate the family and prevent a family from making independent inquiries about the cause of death. In a very recent case, the father of **Usman Akhmedov**, age 40, reported that his son was arrested on March 7, 2015 from his home in the Jizzakh region and accused of extremism. The investigation was initially carried out by the Ministry of Internal Affairs but the case was subsequently transferred to the Jizzakh region National Security Service (SNB) and Akhmedov's family was denied access to him while he was in detention. On June 1, 2015, officials told Akhmedov's father that Akhmedov committed suicide and his body was in the morgue in Samarkand. Akhmedov's father does not believe that his son committed suicide and was not given a certificate from the medical examiner which stated the cause of death.

In other cases, denial of adequate medical care in prison leads to death, in violation of the state's obligations to protect the right to life and its special obligations to those in custody. In a recent example, human rights activist with the organization Ezgulik **Abdurasul Khudonayzarov** had served eight years of a nine-year prison sentence on trumped up charges when authorities released him on May 31, 2014 on humanitarian grounds. He was diagnosed with advanced liver cancer the same day and died just three weeks later. Khudonayzarov had told his relatives that prison officials tortured him and denied him medical care. His family observed his increasingly



deteriorating health in the years before he died. Numerous other people in prison on politically-motivated charges and for charges related to religious extremism suffer extremely poor health in prison and do not receive adequate medical care, raising serious concern that they could die in prison or be released only when their health has significantly deteriorated and they are at imminent risk of death.

The government of Uzbekistan continues the arbitrary and cruel practice of adding years to prisoners' sentences by prosecuting and convicting them of repeated violations of the prison regulations, article 221 of the Criminal Code. Convictions under art. 221 often occur just weeks or days before a prisoner has completed his or her sentence and is due to be released and often add years to a prisoner's sentence. Such convictions and penalties are exceedingly disproportionate to the alleged violations, are carried out in violation of due process guarantees, and clearly appear directed at preventing prisoners' release. In many cases the alleged violations are exceedingly minor or the prisoner and his family are not informed or are informed only much later what the basis for the art. 221 conviction is. We have documented dozens of cases where religious prisoners and others imprisoned on politically motivated charges have been convicted under art. 221 and had years added to their sentences. In one very recent example, imprisoned human rights defender **Azam Farmonov** was convicted to nine years in prison in 2006 after being tortured to confess and a trial that violated international fair trial standards. His sentence, which he has served in Jaslyk prison, was set to expire on April 29, 2015. In May Farmonov's wife, Ozoda Yakubova, received information from a former detainee that Farmonov had been convicted of article 221 and received an additional sentence of five years. Yakubova was not informed of Farmonov's new trial in advance and therefore was not able to assist him with securing independent legal assistance and neither she nor any other independent observers were permitted to attend the proceedings. Farmonov has been repeatedly been subjected to brutal torture and is in poor health.

In another prominent case, imprisoned journalist **Muhammed Bekjanov's** sentence was set to expire in February 2012 and his wife, Nina Lonskaya, travelled from the United States to Uzbekistan to await for her husband's release. She said that Bekjanov called relatives and told them to prepare him clothes and other necessities for his imminent release. However, authorities did not release Bekjanov and Lonskaya received no information about his status or whereabouts. She spent more than two months appealing to all official agencies but received no answers to her inquiries. Later she found out that Bekjanov was sentenced to an additional four years and eight months for art. 221 and that his alleged violations of the prison regulations included minor infractions such as unauthorized possession of nail clippers. Imprisoned journalist **Yusuf Ruzimurodov**, who was arrested and tried with Bekjanov, also received an additional sentence in May 2014. Both men are in poor health.

Political opposition figure **Murod Juraev** was sentenced in 1995 to 12 years and has been convicted four times on article 221 and received four additional prison terms. Some of the alleged violations for which he has had years added to his original sentence include "incorrectly peeling carrots," and failure to remove his shoes when entering his dormitory.

**Diloram Abdukadirova**, an eyewitness to the Andijan massacre who returned to Uzbekistan, was sentenced to 10 years in 2010 and an additional 8 years in 2012 for alleged violations of art. 22 (see fuller description of case, above).

Banker **Rustam Usmanov**, who in 1998 was sentenced to 14 years in prison for economic crimes on charges believed by many to be politically-motivated, was set to complete his sentence on February 14, 2012. On January 6, 2012, Usmanov was sentenced to an additional five years for violating art. 221.

#### **Recommendations:**

##### **The State Party should:**

- 4) Repeal article 221 of the Criminal Code.
- 5) Release immediately and unconditionally all people who have been convicted under article 221 and, as a matter of urgency, Muhammed Bekjanov, Yusuf Ruzimurodov, Murod Juraev, Azam Farmonov, Diloram Abdukadirova, and Rustam Usmanov.
- 6) Ensure that all proceedings that can result in deprivation of liberty or loss of prison privileges, including findings of prison violations and criminal proceedings for art. 221, meet due process requirements.
- 7) Establish an independent mechanism separate from law enforcement or prison structure that can thoroughly, effectively, and promptly investigate deaths in custody and refer cases for prosecution.
- 8) Implement the Istanbul Protocol for forensic investigation of torture and ill-treatment and take steps to ensure training of specialists.
- 9) Cease harassment of families of people who die in custody, provide transparent information about cause of death, and provide a mechanism for relatives to request and receive information regarding a death in custody.
- 10) Provide appropriate medical and dental care to those in state custody and allow relatives of those in prison to provide medications, dentures, or specialists

#### **Government-Sponsored Forced Labor (art. 6, 7, 8)**

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

Cotton production in Uzbekistan is underpinned by one of the largest state-orchestrated forced Labor systems in the world, undermines access to health, education and other social services, and fosters widespread corruption. Since independence, the government of Uzbekistan has relied on forced labor of adults and children to prepare the cotton fields for planting, plant cotton, weed the fields, and harvest cotton. Government officials forcibly mobilize millions of people to the fields each year. For many years the government forced schoolchildren across the country to pick cotton. Beginning in 2012, government policy shifted away from the use of forced child labor and in 2014, the government did not forcibly mobilize children systematically although children still picked cotton in some regions, particularly toward the end of the harvest. The shift away from the widespread use of forced child labor did not represent a fundamental change in the government's policy of using forced labor, it has simply increased the number of adults forced to work to compensate for reduced numbers of children in the fields.

Cotton is a strategic crop in Uzbekistan and top levels of government control its production with the president establishing cotton policy and the prime minister overseeing its implementation. The cotton industry in Uzbekistan brings wealth to a tiny government elite while contributing to the impoverishment of millions. Cotton production, which nets the government more than \$1 billion USD a year in revenues, is paid for by extorting money directly from millions of people, who are forced to pick cotton and, in many cases, to make mandatory “contributions” to pay for labor, transportation, and other costs related to the harvest.

In 2014 the government of Uzbekistan carried out a program of mass extortion and increased its use of systematic, mass forced mobilization of labor to harvest cotton. Government officials used coercive means to ensure that farmers met state quotas for cotton production and to force millions of people across the country into the fields to pick cotton, or to buy their way out of picking with undocumented payments to government officials. In addition to intimidation, harassment, humiliation, and physical violence, the government uses penalties and threats of penalties such as loss of land, loss of job or expulsion from educational institutions, loss of social and welfare benefits, loss of public utilities such as electricity to coerce people to grow and pick cotton. Regional and district officials oversee forced mobilization of labor and harvesting quotas and local police, prosecutors, and tax officials participate in coercing and threatening people to the fields. In 2014, this system took an even greater toll as the government mobilized more public sector workers than in previous years, decimating the provision of essential public services such as health care and education during the two months of the cotton harvest. The government forced private employers to send their employees to pick cotton and make mandatory contributions to support the harvest.

The harvest also came at a high human cost. At least 17 people died and numerous people were injured in 2014 as a result of the cotton harvest and poor or unsafe working and living conditions, a disturbing increase from previous years. The stresses of forced labor, including humiliation, debt, threats, intimidation, and physical violence, apparently led to at least four suicides and at least five others died from heart attacks or other health problems while picking cotton or immediately upon their return from the fields. Vehicle crashes killed several people and injured many more. Workers were forced to work for long hours with little rest and no days off. Living conditions were poor, often unheated, overcrowded, and with insufficient access to safe water and washing facilities. Food provided to workers was monotonous and of poor quality.

Rampant, widespread and systematic corruption underpinned the cotton production system in 2014. Furthermore, the system allowed local administration and tax officials, university, college, and school directors, cotton officials and many others to extort and skim money from individuals, institutions, and businesses. Even while cotton income is not added to national budgets, unregulated extortion lines officials’ pockets at every level and every part of the system. Forced contributions from businesses, payments from individuals for field labor, and payments by millions of forced laborers for food and transportation costs, plus fines and payments for unmet quotas, amounted to a massive, unregulated, and unaccounted for direct subsidy to the government and masked the true cost of cotton production in Uzbekistan.

The enrichment of officials creates a powerful disincentive to enact real reforms of the cotton sector. Corruption also undermines the rule of law in Uzbekistan, nurturing an environment in which the government denies that it uses forced labor and impunity for serious human rights

violations, such as forced labor, prevails. Two multinational companies – Telia Sonera and Telenor – have publically acknowledged supporting the forced labor system through contributions in 2014, claiming it is a prerequisite for conducting business in Uzbekistan, and employees of a third, General Motors, reported that they were again sent to pick cotton.

Schools bear a significant burden for the harvest. Officials demand that schools provide teachers and other staff to work in the fields and impose quotas on schools based on the number of staff. With the recent attention to child labor and the government’s efforts to limit the number of children forcibly mobilized to harvest cotton, teachers also faced pressure to show that schools remained functioning during the harvest, even where many teachers were absent and some school facilities, such as gymnasiums, were being used to house cotton pickers brought in to work from other districts.

Teachers, many of whom were also forcibly mobilized for spring preparatory work including planting cotton and weeding cotton fields, were brought to the field in droves to harvest cotton. In many regions, teachers were divided into two groups, with one group mobilized to pick cotton for shifts of 15-25 days at a time, often in districts far from their homes, and the other group ostensibly required to continue classes and compensate for their colleagues in the fields so that schools could function. However, in many cases the teachers who remained at school were also mobilized for daily picking and either had to abandon teaching entirely or teach for just three hours per day and spend the rest in the cotton fields. Some teachers covering for their colleagues in the fields sometimes taught two classes simultaneously, going back and forth between two classrooms during the lesson, teaching different subjects and often teaching subjects in which they were not qualified. As a result, many schools barely functioned during the two months of the harvest and those that remain open operate with significant disruptions, reduced instruction time, and reduced quality of instruction.

In May 2015, the government has ordered the mass mobilization of workers to clear weeds and plant cotton. Officials threatened that anyone refusing to work would lose their jobs or other social benefits. The government forcibly mobilized public sector workers, private employees, and other citizens to work in the fields or pay a bribe. They did not receive payment for their work in the fields and their colleagues who remained at their regular jobs had to perform additional work for no pay to compensate for the absence of those working in the fields. Up to 50% of the staff from schools and hospitals across the country were forced to work in the fields or pay a bribe, leaving those institutions severely short staffed. Authorities in the Zarbdor district of Jizzakh region sent schoolchildren aged 14-16 to clear weeds from the fields. **Ulugbek Iskhakov**, age 15, died from drowning in an irrigation canal while with his classmates in the fields.

### **Forced Labor in Silk Production**

Uzbekistan is one of the world’s leading silk producers. The government controls silk production and relies on state-sponsored forced labor to produce silk cocoons, a practice that violates the rights of farmers, public-sector workers, and youth, in particular in rural areas. The government maintains total control over the silk sector, as it does with the cotton sector, and, as with cotton, uses coercive measures to ensure production targets are met.

Local officials use coercion, including threats of penalties including loss of land and loss of access to agricultural inputs such as water, equipment, fuel, and fertilizer, which are controlled by regional officials, if they refuse to produce silk cocoons or fail to meet their production quotas.

Some farmers are also threatened with physical violence and criminal prosecution. One farmer told us, “If a farmer refuses to cultivate silkworm cocoons, the government starts to threaten us saying that our land will be taken away, and we will go to jail. The worst thing is that they can do that. The representatives of the local prosecutor's office, the police can come any time. In short, we have no other choice.”

Farmers, in turn, oblige their families, including children, to assist in the cultivation of silkworm cocoons, in order to meet required production quotas and avoid penalties. Similarly, directors of public institutions such as rural health clinics and agricultural institutes require their staff to cultivate silkworm cocoons or to pay bribes to contribute to the institution’s quota and avoid repercussions. Producers must sell silk to the government at government-set prices.

Silkworm cocoon production is labor and resource intensive for producers, requiring 30-40 days of near-constant work. The forced cultivation of silkworm cocoons imposes a heavy burden on farmers and public sector organizations and is not commercially viable economic activity for most farmers. The government pays a small advance to farmers at the beginning of the silk cocoon production season and then often pay nothing at all for the cocoons produced.

#### **Recommendations:**

##### **The State Party should:**

- 1) Allow independent human rights organizations, activists and journalists unfettered access to investigate and report on conditions in the cotton production sector.
- 2) Reform the cotton and silk sectors including by:
  - Enforcing national laws that prohibit the use of forced and child labor and vigorously prosecute non-compliance;
  - Ensuring financial transparency of expenditures and revenues;
  - Prosecuting corruption;
  - Ending mandatory cotton production and harvest quotas and silk cocoon production quotas while ceasing in the meantime to penalize farmers who do not fulfill quotas;
  - Raising and eventually freeing procurement prices, paying farmers what they earned, and de-monopolizing agricultural inputs and the cotton sales markets.
- 3) Grant access to the country to the Special Procedures of the UN Human Rights Council and issue an invitation to the UN special rapporteur on Contemporary Forms of Slavery.

#### **Freedom of movement and rights of aliens, including refugees and asylum-seekers (arts. 3, 12, and 13)**

Freedom of movement is systematically violated in Uzbekistan in numerous ways, including through the Soviet-era *propiska* system by which citizens, residents, and visitors must register their permanent or temporary residence, and the requirement to obtain an exit visa (exit permit) to travel abroad. These systems contradict Uzbekistan’s international commitments and violate its own constitution, which states that, “Citizens of Uzbekistan have the right to freedom of movement in the territory of the republic, to enter the Republic of Uzbekistan and exit it, with the exception of limits imposed by law.” In practice, in addition to being used as instruments of

control, both the *propiska* and exit visa regimes operate to provide for a steady stream of bribes to the officials who implement them.

The government views people who travel abroad as a potential threat. Law enforcement agencies follow, harass, and question people who return to Uzbekistan from abroad, and interrogate the relatives of people who are out of the country, officially justifying these actions as “preventative law enforcement measures.” Sources in the Ministry of the Interior told us that the practice of “preventative interviews” with people who have left for long periods are required and carried out by inspectors from prevention departments from regional law enforcement offices together with inspectors and investigators from criminal investigation departments and local *mahalla* (neighborhood) committees. These officers send monthly reports to the National Security Services (SNB). We also received numerous reports of travelers returning from abroad being subjected to extensive inspections in airports. After passing through passport and customs inspections, Uzbek citizens who have been abroad for longer than two months are taken to a separate room. There, officials interrogate them about their religiosity, whether they pray, about their friends, and whether they had any contact with members of banned religious groups and inspect their telephones, tablets, computers, and flash drives for extremist or anti-government materials.

### Propiska System

Under the *propiska* system, all residents of Uzbekistan must register their permanent place of residence with the Ministry of Interior’s Office of Visas and Registration (OVIR) and all residents and visitors must receive a temporary registration for a stay of longer than three days in any location. People lacking a valid residency registration cannot work or study in the region and by law must leave within seven days or may be forcibly removed by law enforcement.

We have found that Interior Ministry officials generally only grant residence registrations after receiving bribes. The amount of bribes is constantly growing, with especially high bribes paid to receive residence permits in Tashkent and Tashkent region, with many reporting bribes of between \$4000-8000 USD. Despite the government’s assertions that the *propiska* system is simply one of registration (informing the authorities), our research indicates that the system in fact operates as a permit system in which the state exerts control over people’s place of residence and imposes significant burdens on attempts to change residence. The tight regulations and exercise of control over residency has also given rise to a system wherein many people are forced to thwart the system by living and working without registration, which leaves them vulnerable to exploitation and legal repercussions and also deprives the state of taxes and payments. It has made bribery of police and other officials an inexorable part of the system and part of daily life for the people of the country.

It is especially difficult to obtain valid residency permits in Tashkent and the Tashkent region as well as several other major cities, which severely restricts people’s ability to find employment as most employment opportunities are concentrated in major urban areas. Many employers and local police gain from the vulnerability of unregistered internal economic migrants, offering low salaries and poor working conditions and extracting bribes.

### Exit Visas

All Uzbekistan passport holders who wish to leave the country must first submit their passports to receive an exit visa from OVIR. Such exit permits are not required to visit other CIS countries but,

because of an internal CIS agreement, an Uzbek citizen in another CIS country without an exit visa is prohibited from traveling on to other countries. Uzbeks who travel outside the CIS without exit visas may be criminally prosecuted for illegal border crossing and violations of the passport regime, crimes punishable by significant fines and prison time. Officially, exit visas cost approximately \$25 USD and are valid for two years. In theory, authorities should grant exit visas within a two-week waiting period. In practice wait times are often significantly longer, from 20-30 days, and officials can deny or delay granting a visa without explanation. Uzbekistan, one of only a handful of countries in the world to require exit visas and the only former Soviet state to do so, has justified the imposition of exit visas as necessary to combat terrorism.

In our research, we found that in many cases government officials issue exit visas only after receiving bribes and in other cases delay or deny the granting of exit visas to on politically motivated grounds, such as to prevent people from leaving the country to seek asylum or to prevent human rights defenders, independent journalists, members of the political opposition, or civic activists from traveling abroad to work or attend conferences or meetings. Some activists claim that authorities use the exit visa regime as a means of control and to isolate them from networks and support abroad. The Uzbek-German Forum found that in such cases government officials tell applicants “your trip abroad is not advisable.” In early 2015, authorities denied an exit visa to human rights activist Elena Urlaeva, head of the Human Rights Alliance of Uzbekistan, so that she could travel to Seoul, South Korea, to receive a prize awarded to her organization. In just a few other examples from recent years, the government has refused exit permits to the human rights defender Diloram Iskhakova, sociologist Bakhodir Musaev, the poet Halima Rustamova, and artist Vyacheslav Akhunov. Akhunov received an official letter from the Ministry of Internal Affairs in response to his complaints to the Ombudswoman and other agencies about being denied an exit visa stating that his travel abroad is “not advisable.” From time to time the authorities announce a shortage of exit visa stickers and a temporary moratorium on issuing visas, possibly, in part, to drive up bribe amounts.

### **Discrimination Against Women**

Many people we interviewed told us that women under age 35 and girls attempting to receive exit visas (see question 21 for more information) are required to undergo an interview and receive “permission” from their parents or, if they are married, from their husbands or parents-in-law before receiving an exit visa. Parents or husbands must guarantee that their daughter or wife will not enter into prostitution. We interviewed several women who had undergone such interviews in police stations and local media have also reported on the practice. This practice is not only humiliating, it also violates the principles of equality and nondiscrimination and the right to privacy.

### **Additional Cases of Denial of Exit Visas**

Human rights defender **Shukhrat Rustamov** applied for a new biometric passport and an exit visa in May 2012. On June 6, 2012 he received a new passport, but authorities rejected his application for an exit visa verbally without an explanation. Since, Mr. Rustamov has written eight letters requesting the exit visa, including to the prosecutor general’s office, the parliament, senate, and the office of the president. Mr. Rustamov eventually received a reply that his travel abroad is “unadvisable.”

Human rights defender **Khaidbai Yakubov**, activist with the organization *Nazhot* in the Khorezm region has been trying to receive an exit visa for more than two years but has been refused without explanation.

**Jahongir Shosalimov**, who tried to run for president in 2007 but was refused registration of his candidacy by the Central Election Commission, applied for an exit visa in late 2014. Four months later he received a letter signed by the head of the city OVIR office that his travel abroad was “unadvisable” and he was denied an exit visa.

Journalist **Malokhat Eshonkulova** most recently applied for an exit visa in March 2014. When she came 20 days later to pick up her passport, authorities issued a verbal denial of an exit visa.

Human rights defender **Dmitrii Tikhonov**, from Angren, applied to OVIR of Tashkent region for an exit visa on January 15, 2015, and has not yet received a reply.

Human rights defender **Uktam Pardaev** applied for an exit visa on January 3, 2015 in Jizzakh. In February, an officer of the Regional Department of Internal Affairs informed Pardaev that he was prevented from travel abroad until July 2015 apparently for supplying misinformation about his employment status in his application. Pardaev requested to inspect his application and alleges that someone changed his application after he submitted and that the application contains handwriting that is not his.

#### **Recommendations:**

##### **The State Party should:**

- 1) Abolish the *propiska* system and allow freedom of movement with Uzbekistan in accordance with Uzbekistan’s international obligations.
- 2) Abolish the exit visa requirement for travel abroad and allow freedom of movement in accordance with Uzbekistan’s international obligations.
- 3) Enforce anti-corruption laws, including by prosecuting authorities for soliciting bribes.
- 4) Immediately cease the requirement that women and girls attempting to receive exit visas undergo an additional interview or receive permission from their parents, husbands, or in-laws.
- 5) End the practice of requiring husbands and parents to provide guarantees that their wife or daughter will not engage in prostitution if she travels abroad.
- 6) Take steps to end restrictions on freedom of movement and ensure that women and all people may enjoy their right to travel.

#### **Surveillance by Mahalla Committees (art. 17, 18)**

As noted below, security forces in Uzbekistan often use surveillance against human rights defenders, journalists, independent political activists, and perceived government critics. Such surveillance, which includes listening to phone calls, following people by car, constant monitoring by agents in parked cars outside homes, and monitoring communications, is in violation of the government’s obligation to protect the right to privacy. Surveillance is used to gather information about civic activities as well as harass activists and interfere with their work and therefore can also have a chilling effect.



The authorities also carry out surveillance against independent Muslims and others who practice their religion outside strict state controls. The government perceives independent Muslims as security threats and for many years has waged a brutal campaign to suppress them through harassment, imprisonment, and torture. Government agents monitor mosques and other places of worship and report on people who pray regularly, wear a beard or headscarf, read religious literature or listen to sermons by banned groups or leaders, or show that they are devout. District police maintain detailed lists of religious people and regularly force them to report to the police station for questioning, to describe their activities, or to sign statements promising to inform police of their whereabouts and activities. In recent years authorities have intensified this surveillance and monitoring of religious people, particularly independent Muslims. Local police now maintain “notebooks” or dossiers on everyone on the religious watch list (*учем*), and require people on the list to provide photographs and detailed information such as birthdates, place of work or school, marital status, names of spouses and children for the dossiers. Police maintain such files even on minor children, the elderly, and record information on those who have died.

Mahalla committees play a role in this surveillance by monitoring the activities of people who live in their neighborhoods and providing regular reports to the authorities. This includes monitoring attendance at mosques and monitoring private gatherings in homes.

Mahalla committees also participate in the forced mobilization of neighbourhood residents to work in the cotton and silk production sectors, including by threatening to deny child and other social benefits to people who refuse to harvest cotton or cultivate silkworms.

The Uzbek-German Forum received dozens of reports that from mid-2013 to the present local mahalla committees across the country have stepped up their interest in residents who have traveled or lived abroad, including working in Russia, and increased their efforts to convince people to not to work abroad or to return home, including threatening them with fines and prosecution. According to some media reports, this sudden rise in interest, especially in labor migrants, comes from a new government effort to prevent people from going abroad to seek employment. Radio Ozodlik (the Uzbek service of radio Liberty) reported that mahalla committees require relatives of labor migrants to provide information about their relatives abroad, including when and where they went, where they are located, what they are doing, whether they are religious, and their contact information.

### **Recommendations:**

#### **The State Party should:**

- 1) Cease surveillance and information gathering on religious people and people who have travelled abroad unless there is evidence of a crime and then such surveillance should only occur under judicial supervision.
- 2) Cease using mahalla committees for law enforcement purposes or to mobilize forced labor.
- 3) Ensure social benefits are distributed in a non-arbitrary way in accordance with law.

### **Freedom of Expression and Media Freedom (arts. 2, 19)**

All media operating in Uzbekistan are state controlled and not independent. The National Information Agency is under the direct control of the Presidential Apparatus and disseminates official information. The Cabinet of Ministers owns and operates the three most influential weekly

newspapers, *Pravda Vostoka*, *Halk Suzi*, and *Narodnoe Slovo*. Although the government does not carry out official censorship, in reality, a system of informal or unofficial censorship exists and serves to restrict access to independent information. The government also denies accreditation to independent journalists and most journalists working for international or independent media have fled the country. Many journalists and editors also self-censor to avoid persecution or other difficulties with the government. There are at least four journalists in prison for doing their job—**Muhammed Bekjanov** and **Yusuf Ruzimurodov**, the two longest-imprisoned journalists in the world, **Dilmurod Said**, and **Solijon Abdurakhmanov**. They have been subjected to torture in prison, suffer from ill-health, and been denied adequate medical care.

One recent example of harassment of journalists and interference with freedom of information, is the attack on the independent news site Uznews.com. Uznews, which was founded in 2005, was a critical source of independent reporting on Uzbekistan, was forced to close in December 2014 after the email account of its founder, journalist **Galima Bukharbayeva** was hacked, and confidential documents, including those containing the identities of journalists and sources in Uzbekistan, were made public, endangering them.

Uzbekistan's laws create significant barriers to free operation of the media, freedom of expression, and access to information. The newest version of the law on Mass Media excludes mention of the guarantees to free media provided in the Constitution, which had been in older versions. It also imposes liability on media not only for the truth of all information published but also "objectivity," a subjective determination, which has resulted in a chilling effect on freedom of expression. This obligation is also enshrined in the law protecting the professional activities of journalists. Journalists that publish information that is not approved by the authorities face civil and criminal penalties including stiff fines and prison terms, harassment, and persecution. In just one recent example, in June 2014 a criminal court fined independent journalist **Said Abdurakhimov**, who published under the pseudonym Sid Yanyshv, nearly 10 million soum (approximately \$4150 USD) after he published an article on the website Fergana.ru (blocked in Uzbekistan) exposing the difficulties of Tashkent residents whose homes were demolished. The court found him guilty of Criminal Code articles 184 (preparation or possession with intent to distribute material threatening to public safety and public order) and 165 (unlicensed activity), despite the fact that journalism is not on the list of professions requiring a license.

The Media Law also designates websites as mass media requiring them to register and report the names of the founder, editor-in-chief, and staff members (article 4 of the law).

Over the last ten years, the country's authorities have systematically blocked access to numerous websites and Internet resources that expose news and issues in Uzbekistan, discuss human rights, independent political movements, or ideas the authorities deem controversial. The administrators of Internet cafés have to display posters warning users from visiting banned websites.

The Media Law also expands the list of grounds for which media can be held liable to include "propaganda for terrorism, extremism, separatism, fundamentalism, and pornography," among others (article 6). In particular, the limitation on "propaganda of separatism" is used to curtail information and discussion about political movements in Karakalpakstan. The revised media law

also expands the rights and obligations of the founder at the expense of the rights of editors and journalists, forcing founders to ensure compliance with the law, an arrangement that gives founders an incentive to impose self-censorship on their media outlets rather than letting editors and journalists decide what to publish (article 14). The law also expands the grounds for closing down or suspending media organizations to include vague and over broad reasons such as “for a breach of the law,” making it possible to close down or suspend an outlet for a minor technical legal violation (article 24).

Regulations on accreditation of journalists and licensing and registration of media outlets operate as impediments to the free operation of the media and restrict information. The Media law cedes registration and operation of foreign media to the competence of the government through implementing regulations, rather than regulating it by the media law itself. The 2006 government proclamation “Fundamental rights regulating the professional activities of correspondents of the mass media from foreign states on the territory of the Republic of Uzbekistan” forbids Uzbek citizens from working for foreign media outlets unless they have accreditation from the Ministry of Foreign Affairs, which can take up to two months to issue its accreditation decisions. The February 2006 “Statute on the accreditation procedures for representatives of the media in relation to state authorities” limits the ability to request information from state bodies only to accredited journalists although the every citizen should have the right to access information.

As a result of restrictions on press and freedom of information, there are no materials available in the local press that disseminate information about human rights as envisioned by the ICCPR and protocol. Local press completely lacks any information about Uzbekistan’s periodic review by the Human Rights Committee, past reviews, and findings and recommendations made by the Committee. Information about the Committee’s review of individual complaints against Uzbekistan is never published. In fact, even the website of the National Human Rights Center, which should, theoretically, serve as a key source of accessible information about human rights to the people of Uzbekistan, only publishes the government’s periodic reports to the Committee but never publishes the Committee’s List of Issues, its findings or recommendations.

The government contends that NGOs participate in the preparation of its national reports to the Committee, together with the National Human Rights Center. In reality, none of these NGOs is truly independent. All are members of the National Association of NGOs and are government-organized or government-approved. They do not provide independent or alternative sources of information but simply restate the government’s position.

**Recommendations:**

**The State Party should:**

- 1) Cease blocking access to websites and interfering with internet freedom.
- 2) Remove the requirement that Uzbek citizens must receive accreditation from the Ministry of Foreign Affairs to work for foreign media agencies and cease other restrictive licensing and accreditation requirements for journalists and media outlets.

- 3) Repeal provisions that impose liability on journalists for the “truth” and “objectivity” of material they publish.

#### **Persecution of Human Rights Defenders, Civic Activists, and Journalists (arts. 9, 10, 19, 21, 22)**

The government has refused to register all independent human rights groups operating in Uzbekistan except for one, Ezgulik, and it systematically harasses, persecutes, and interferes with independent human rights work, including that of Ezgulik, and other peaceful civil society activity. At least 15 human rights defenders are in prison and many others have fled the country over the past decade, due to persecution. Human rights defenders in prison include **Azam Farmonov, Mehriniso and Zulhumor Hamdamova, Isroiljon Kholdarov, Nosim Isakov, Gaubullo Jalilov, Matluba Kamilova, Ganikhon Mamatkhanov, Chuyan Mamatkulov, Zafarjon Rahimov, Yuldash Rasulov, Bobomurod Razzakov, Fahriddin Tillaev, Nuriddin Jumaniyazov, and Akzam Turgunov.** As noted above, the journalists in prison are: **Muhammed Bekjanov** and **Yusuf Ruzimurodov**, the two longest-imprisoned journalists in the world, **Dilmurod Said**, and **Solijon Abdurakhmanov.** Although the government brought criminal charges against the activists and journalists and claims they are in prison because they committed crimes, numerous independent observers believe that the charges were trumped up and in retaliation for their human rights or journalism work. The trials did not meet international fair trial standards and in several cases the human rights defenders alleged that they were tortured during pre-trial detention. For example, **Akzam Turgunov** testified in court that investigators poured boiling water down his back and lifted his shirt to show burns that covered his neck and back and past his waist but a court-appointed examiner found that the burns were minor and Turgunov was convicted. In numerous cases the authorities have used torture and ill-treatment against imprisoned journalists and human rights defenders. For example, Nina Lonskaya, the wife of **Muhammed Bekjanov** told us that authorities severely and repeatedly tortured Bekjanov, including subjecting him to brutal beatings, breaking his leg, and ripping out his fingernails. He has been denied appropriate medical care and is in extremely poor health.

In a recent example of government interference with the work of human rights organizations and assaults on activists, authorities have tried to stop the Human Rights Alliance from documenting and peacefully protesting forced labor. On May 15, 2015, Elena Urlaeva was documenting the forced mobilization of teachers and doctors in the Urta Chirchik district of the Tashkent region to be sent to weed the cotton fields. She documented approximately 60 medical workers being registered in a ledger and loaded on to ambulances to drive them to the fields. Urlaeva attempted to intervene and asked to speak with the head doctor and local hokim (head of the local government) who were in charge of mobilizing workers. Instead, police detained Urlaeva and took her to the police station where they searched her, confiscated her camera, mobile phone, and notes, accused her of being a foreign agent selling Uzbekistan’s secrets, and threatened Urlaeva and her family members. She was only released after 10 hours.

In a separate incident, police viciously assaulted Urlaeva. On May 31, 2015, police in Chinaz, a city in the Tashkent region, detained **Elena Urlaeva**, head of the Human Rights Alliance of Uzbekistan as she documented forced labor in the cotton fields. Urlaeva interviewed and photographed teachers and medical workers who said that local authorities ordered them to clear weeds from the cotton fields. Police took Urlaeva to the Chinaz RUV [district police station] where they

interrogated her and subjected her to severe ill-treatment for 18 hours. According to Urlaeva's description of the event:

While I was at the Chinaz RUVD [district police station] one officer, not very tall, wearing a camouflage uniform, hit me on the head, and they interrogated me about where I hid the data card from the camera, they swore at me and yelled that I am an agent of America, that I am bringing shame on Uzbekistan for money and am giving state secrets to other countries, that they have shut the mouths of all other human rights defender enemies of the state and they only have me and Ada Kim left to deal with. They screamed why I haven't left the country and instead am making trouble for them with photographs and pickets. An ambulance doctor gave me three injections and they made me feel weak and I couldn't resist anymore. They put me in a room on the first floor and put me on a bed and forced my legs apart. A female doctor wearing gloves was ordered to search for the data card in my vagina and she did and then she asked the police to bring a gynecological instrument [speculum] and they put me on a chair and police officers and a male doctor held my arms and legs and the female doctor female used the instrument to look in my vagina for the data card and I bled from her manipulations. Then the head of the police ordered her to search my rectum and she did, and then the police took me for an x-ray on a stretcher [Urlaeva was forced to undergo several x rays taken of her chest and abdomen to look for the data card]. After the x-ray I needed to use the toilet but they would not allow me and so I asked for a bucket but they said "you'll go outside and we will film you, bitch, and if you complain about us then we'll post the video of your naked ass on the internet." I couldn't stand it any longer and was forced to relieve myself outside in the presence of police officers who filmed me."

Urlaeva has sought redress for the incident, including that the authorities launch an investigation and allow her to undergo an official forensic examination to document her injuries, but to date the authorities have taken no action except to continue threatening Urlaeva. Previously, authorities twice detained Urlaeva, as she was attempting to document labor conditions in the cotton fields in autumn 2014. Then, police demanded her camera and documents, strip searched her, and held her for several hours. Urlaeva is subjected to constant surveillance, including of her communications, and police frequently take her into custody or keep her under informal house arrest with no judicial oversight to prevent her from carrying out her human rights work. **Uktam Pardaev**, a human rights activist from Jizzakh, received threats from local police and security services for his work documenting human rights violations in connection with the 2014 cotton harvest. At a meeting on the harvest that took place in January 2015, the hokim of the Jizzakh region publicly called Pardaev "a traitor to the motherland."

The authorities arbitrarily restrict all forms of peaceful assembly, including demonstrations and pickets. Through the arrest, ill-treatment, torture, and persecution of many active members of civil society, the authorities in Uzbekistan have created a pervasive climate of fear in the country that prevents most people from ever participating in any form of peaceful protest. Only a few extremely brave, isolated activists in Tashkent take part in public peaceful protest actions such as pickets. Such pickets virtually always end in arrest, beating, and other forms of ill-treatment. On June 1, the day after her detention and ill-treatment, Urlaeva stood with a poster outside the Ministry of the Interior to protest her treatment by police. She was detained, interrogated, and threatened with charges.

**Recommendations:****The State Party should:**

- 1) Immediately release all imprisoned human rights defenders, activists, and journalists, including as a matter of urgent priority: Azam Farmonov, Mehriniso and Zulhumor Hamdamova, Isroiljon Kholdarov, Nosim Isakov, Gaubullo Jalilov, Matluba Kamilova, Ganikhon Mamatkhanov, Chuyan Mamatkulov, Zafarjon Rahimov, Yuldash Rasulov, Bobomurod Razzakov, Fahriddin Tillaev, Nuriddin Jumaniyazov, and Akzam Turgunov, Muhammed Bekjanov, Yusuf Ruzimurodov, Dilmurod Said, and Solijon Abdurakhmanov.
- 2) Issue an invitation to the Special Rapporteur on human rights defenders to conduct a country visit to Uzbekistan.
- 3) Allow human rights organizations to register and function without interference.
- 4) Allow peaceful assemblies and public demonstrations in accordance with the requirements of the Covenant.