

Status of Human Rights in Uzbekistan for the 44th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to discuss the status of human rights in the Republic of Uzbekistan for the 44th session of the Universal Periodic Review (UPR).

Background

2. Uzbekistan is located in Central Asia with a population of approximately 31.1 million people.¹ The country is predominately Muslim with 88% of the population identifying as Muslim, 9% as Eastern Orthodox, and 3% as other.² According to Open Doors's 2023 World Watch List, Uzbekistan was ranked as the 21st worst place for Christians to live.³

3. Uzbekistan's previous review was held on May 9, 2018.⁴ As a result of the review, Uzbekistan received 212 recommendations, 198 of which it supported.⁵ One recommendation that was made by the United States of America, and supported by Uzbekistan, was that the government "[r]evis[e] so-called religious 'extremism' laws to decriminalize peaceful religious activities, simplify registration requirements for religious groups, and remove penalties on religious literature communications."⁶ Uzbekistan also supported Ghana's recommendation to "ensure that the right to manifest one's religion in private or in public is fully protected and realized" and to release prisoners "detained on account of their faith."⁷ Additionally, Uzbekistan supported multiple recommendations to increase human trafficking prevention efforts, including a recommendation from Iceland to work specifically on preventing child trafficking.⁸

Legal Framework

Religious Liberty

4. Uzbekistan's Constitution provides that "[f]reedom of conscience shall be guaranteed to all. Everyone shall have the right to profess or not to profess any religion. A compulsory imposition of religion shall be impermissible."⁹

5. Uzbekistan is a party to the Convention on the Rights of the Child (CRC).¹⁰ Under Article 14 of the CRC, "States Parties shall respect the right of the child to freedom of thought, conscience and religion."¹¹ Article 30 of the CRC extends this same right to children who belong to religious minority groups.¹²

6. Uzbekistan is also a party to the International Covenant on Civil and Political Rights (ICCPR) and has a responsibility to uphold the rights enshrined in it.¹³ Articles 18, 19, and 27 of the ICCPR guarantee protections for the rights of freedom of religion and speech.¹⁴

7. Despite Uzbekistan's Constitutional protection of religion, as well as its commitments under the CRC and ICCPR, in July 2021, Uzbekistan enacted a new law on religion.¹⁵ Under Article 4 of this new law, "[t]he involvement of minors in religious organizations against

their will, the will of their parents or their legal representatives is not allowed.”¹⁶ Moreover, Article 7 states that “[t]he implementation of missionary work and proselytism is not allowed.”¹⁷

8. Further, under Article 10 of this law:

The production, importation and distribution of materials of religious content on the territory of the Republic of Uzbekistan are carried out after receiving a positive conclusion from a religious expertise in order to prevent the spread in society of ideas and views that contribute to the violation of interfaith harmony and religious tolerance, calling for violence and arbitrariness on religious grounds.

The procedure for the manufacture, importation and distribution of materials of religious content is determined by the Cabinet of Ministers of the Republic of Uzbekistan.¹⁸

9. Additionally, under Article 240 of the Administrative Code:

Engaging in illegal religious activities, refusal of leaders of religious organizations to register the charter of these organizations, special gatherings of children and teenagers by religious people and members of religious organizations, as well as work unrelated to religious ceremonies, organization and conduct of literature and other types of circles and groups -

causes a fine in the amount of fifty to one hundred times of the base calculation amount or administrative imprisonment for a period of up to fifteen days.¹⁹

10. Further, under this same article, “[a]ctions (proselytism) and other missionary activities aimed at introducing believers belonging to one denomination to another – causes a fine in the amount of fifty to one hundred times of the base calculation amount or administrative imprisonment for a period of up to fifteen days.”²⁰

Human Trafficking

11. Article 37 of the Constitution of Uzbekistan states that “[a]ny forced labour shall be prohibited except for punishment under the sentence of a court or some other instances stipulated by law.”²¹

12. Under Article 135 of the Penal Code of Uzbekistan, human trafficking is defined as the “purchase and sale of the person or his recruitment, transportation, transfer, concealment or obtaining for the purpose of its [exploitation].”²²

13. Uzbekistan is a party to the International Covenant on Civil and Political Rights (ICCPR).²³ Article 8 of the ICCPR provides, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”²⁴

14. Additionally, Uzbekistan is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Convention against Transnational Organized Crime.²⁵ Under Article 9 section 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.²⁶

Religious Liberty

15. In its 2022 World Watch List, Open Doors listed Uzbekistan as the 21st worst country for Christians to live in.²⁷ Part of this ranking stems from the fact that Christians who belong to non-registered churches “may be viewed as ‘extremists,’ and the government believes church members are spies trying to destroy the government.”²⁸ Further, “Christians and their churches may be monitored, and unregistered churches may be the victims of police raids, arrests and fines.”²⁹ Some Christians even fear that simply requesting registration status for their church will make them a target for persecution.³⁰

16. In 2022, the Interior Ministry “ordered state-registered non-Muslim religious communities of a wide variety of beliefs” to install security cameras.³¹ Religious groups have reported that these cameras will allow police to “see who leads prayers, who preachers sermons, who is present at our meetings for worship, whether any under-18-year-olds and their parents are present.”³² One church member voiced concern over these measures saying, “[t]he police watch us like we are in the palm of their hands. This is disturbing because we are conscious that we are being watched while we are praying or speaking with others before or after praying. . . . [W]e want to concentrate on our meetings for worship, and not be afraid.”³³ Not only does this violate the right to religious freedom of citizens to worship as they see fit, this also violates the rights of children, as established under Article 14 and 30 of the CRC, which enshrine the rights of a child to “profess and practice his or her own religion.”³⁴

17. As of 2021, over 2,000 people continue to be imprisoned for “their alleged religious activities or affiliation.”³⁵ The government favors Sunni Muslims while targeting other Muslim groups and Christians.³⁶ As a result, minority religious groups “are often denied legal registration.”³⁷ This presents a huge challenge for religious groups as non-registered groups “may not print religious literature, conduct prayer services, ordain clergy, or conduct many of the functions essential to the practice of any faith.”³⁸

18. On November 19, 2018, a group of Christians was arrested for possessing religious materials after police raided the home where they were gathered to worship.³⁹

Police searched the flat illegally without a search warrant and confiscated legally-bought literature including Bibles. Officers arrested all eight Protestants and took them to Pap Police Station, where they were questioned until 3 am the next morning. Police forced most of the Protestants to sign statements written – illegally - by police, and said that they might be prosecuted for possession of the religious literature they legally bought.⁴⁰

19. On November 25, 2018, the government began to harass an unregistered Baptist church in the capital.⁴¹ Forty officials, including the National Guard, raided the church during a Sunday morning service.⁴² “Officials confiscated about 7,800 items of literature and DVDs,

including all books and songbooks the Church uses for its meetings for worship.”⁴³ Fourteen individuals were then taken to a police station and “were kept outside in the cold while officials tried to force them to sign statements that they had participated in ‘an unauthorised meeting.’”⁴⁴ After the individuals refused to sign these statements, “they were interrogated for nine and a half hours.”⁴⁵

20. In October 2018, Uzbek police “arrested 43 converts to Christianity from Islam.”⁴⁶ Charged with illegal assembly, “[t]he converts were arrested at the beginning of October while they met at a camp around 50 miles from the capital Tashkent. They were held for between eight to nine hours, until 2 a.m., and then released.”⁴⁷ Their trial was held on October 30, 2018, and “[a]ll the Christians charged were found guilty, but only received minimum fines, equivalent to between \$75-\$500.”⁴⁸

21. On September 30, 2018, police arrested forty Christians during a retreat.⁴⁹ Out of those arrested, thirty-one of them were “prosecuted under Administrative Code articles for illegal production, storage or import into Uzbekistan of religious materials; violation of the procedure for holding religious meetings; and teaching religious beliefs without specialised religious education and without permission from the central registered religious organisation.”⁵⁰ They were then forced to “pay fines equivalent to as much as 20 times the monthly minimum wage.”⁵¹

Human Trafficking

22. In Uzbekistan, the sexual exploitation of women accounts for the majority of human trafficking cases.⁵²

23. In August 2022, seven women who were trafficked from Uzbekistan to India were rescued and placed in a shelter.⁵³ The women had been promised jobs, but instead, they were forced into prostitution in India.⁵⁴ Once the victims landed in India, their passports and other documents were confiscated.⁵⁵

24. On March 23, 2022, authorities arrested a suspected human trafficker for trafficking a twenty-six-year-old woman to Istanbul for prostitution.⁵⁶ A Turkish citizen paid the trafficker \$500 to traffic the woman from Uzbekistan to Turkey.⁵⁷

25. In February 2020, the Uzbek Embassy in Thailand worked with Thai officials to rescue four Uzbek women being held against their will.⁵⁸ Police in Thailand became aware of the situation after they were notified by the Uzbek Embassy “that an Uzbek woman was tricked into coming to Pattaya for a high paying job and upon arriving discovered that the work was not as described and she was essentially held against her will.”⁵⁹ When police raided a condominium, they found four victims and were able to return them all to Uzbekistan.⁶⁰

26. In 2020, eighty-one trafficking cases were brought before the courts involving a total of 100 alleged traffickers.⁶¹ Out of these cases, the courts were successful in convicting ninety-three human traffickers.⁶² The majority of these cases involved women being trafficked for sexual exploitation.⁶³

27. In addition to trafficking of women, “the sale of children has taken off in recent years.”⁶⁴ According to available statistics, “in 2018, 38 percent of crimes related to human trafficking involved child trafficking; by 2019 that proportion was 43%. In 2017-2020, 185 crimes related to selling and buying children were registered.”⁶⁵ According to the

Investigation Department of the Ministry of Internal Affairs of Uzbekistan, “in many child trafficking cases, girls become pregnant before marriage and hide it from their families and neighbors. They give birth in other regions of the country, away from their home. The people who help them with delivery also arrange the sale of the baby.”⁶⁶

28. For example, in August 2021, a woman was found guilty of selling her four-day-old baby for \$2,500.⁶⁷ She was convicted under Article 135 of the Criminal Code and sentenced to four and a half years in prison.⁶⁸

29. To help combat human trafficking, Uzbekistan created the National Commission on Countering Trafficking in Persons and Forced Labor as well as the National Rapporteur on combatting trafficking in persons and forced labour in 2019.⁶⁹ The Commission coordinates the efforts of all different types of groups working on human trafficking and forced labor issues.⁷⁰ It is also tasked with implementing “state programs in the field of combatting human trafficking and forced labor in order to improve national legislation and law enforcement practice.”⁷¹ These efforts have led to numerous measures being “adopted to increase the effectiveness of the work carried out in the country to combat human trafficking and prevent crime in this area.”⁷²

The Republican Rehabilitation Center for Victims of Human Trafficking, which operates in Tashkent, provides comprehensive assistance and social rehabilitation to victims of human trafficking. In 2020, 92 people used the services of the Republican Rehabilitation Center for Assistance to Victims of Trafficking in Persons, including 38 men and 54 women (3 underage girls and 9 boys).⁷³

Recommendations

30. In order for the government of Uzbekistan to allow for people and children of all faiths to worship as they see fit, it must take steps to ensure that its criminal laws and practices are in line with its obligations under its own Constitution as well as its international commitments, including the ICCPR. The current laws and policies of the government, which include spying on churches, banning proselytizing, denying church registration, and preventing religious minorities from possessing religious literature and texts, clearly restrict the ability of religious minorities to practice their faith. It is imperative that the government allow for minority religions to peacefully practice their religion according to the dictates of their faith.

31. Though Uzbekistan has made some efforts to address human trafficking since the previous UPR, we are concerned about the growing trend in the country that involves the selling of children. Uzbekistan must take immediate measures to address this growing trend and put a stop to it.

¹ *Uzbekistan*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/uzbekistan/> (Mar. 7, 2023).

² *Id.*

³ *World Watch List 2023*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited Mar. 13, 2023).

⁴ *Universal Periodic Review - Uzbekistan*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/uz-index> (last visited Mar. 13, 2023).

⁵ *Uzbekistan Infographic 30th*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/UZ/UZBEKISTAN_Infographic_30th.pdf (last visited Mar. 13,

2023).

⁶ OHCHR, UPR of Uzbekistan (3rd Cycle – 30th Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/UZ/UPR30_Uzbekistan_Thematic_lists_Recommendations.docx (last visited Mar. 13, 2023).

⁷ *Id.*

⁸ *Id.*

⁹ CONSTITUTION OF THE REPUBLIC OF UZBEKISTAN 1992, art. 31, https://www.constituteproject.org/constitution/Uzbekistan_2011.pdf?lang=en.

¹⁰ *Ratification Status for Uzbekistan*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=189&Lang=EN (last visited Mar. 13, 2023).

¹¹ Convention on the Rights of the Child art. 14, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

¹² *Id.* art. 30.

¹³ *Ratification Status for Uzbekistan*, *supra* note 10.

¹⁴ International Covenant on Civil and Political Rights art. 18-19, 27, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹⁵ On Freedom of Conscience and Religious Organizations, <https://xs.uz/ru/post/o-svobode-sovesti-i-religioznykh-organizatsiyakh> (July 6, 2021, 8:36 AM).

¹⁶ *Id.* art. 4.

¹⁷ *Id.* art. 7.

¹⁸ *Id.* art. 10.

¹⁹ CODE OF THE REPUBLIC OF UZBEKISTAN ON ADMINISTRATIVE RESPONSIBILITY art. 240, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/63803/143312/F-737249625/UZB-63803.pdf>.

²⁰ *Id.*

²¹ CONSTITUTION OF THE REPUBLIC OF UZBEKISTAN 1992, art. 37.

²² *Uzbekistan*, ANTISLAVERY IN DOMESTIC LEGISLATION, <https://antislaverylaw.ac.uk/country/uzbekistan/> (last visited Feb. 6, 2023).

²³ *Ratification Status for Uzbekistan*, *supra* note 10.

²⁴ ICCPR art. 8, *supra* note 14.

²⁵ *A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en (Mar. 14, 2023).

²⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9, § 1, *adopted* Nov. 15, 2000, 2237 U.N.T.S. 319, https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.

²⁷ *Uzbekistan*, OPEN DOOR USA, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/uzbekistan/> (last visited Nov. 15, 2022).

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Uzbekistan: Surveillance Extended to Churches*, OPEN DOORS YOUTH (May 16, 2022), <https://opendoorsyouth.org/news/uzbekistan-surveillance-extended-to-churches/>.

³² *Id.*

³³ *Id.*

³⁴ Convention on the Rights of the Child art. 30., *supra* note 11.

³⁵ *Scholarly Analysis: Christian Response to Persecution in Uzbekistan*, UNDER CAESAR'S SWORD UNIVERSITY OF NOTRE DAME, <https://ucs.nd.edu/learn/uzbekistan/> (last visited Nov. 21, 2022).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Mushfig Bayram, *Uzbekistan: Raids, Large Fines, Torturers and Thieves Unpunished*, FORUM 18 (Nov. 23, 2018), https://www.forum18.org/archive.php?article_id=2431.

⁴⁰ *Id.*

⁴¹ Mushfig Bayram, *Uzbekistan: Military Raids Baptists, Church Ordered Closed*, FORUM 18 (Nov. 29, 2018), https://www.forum18.org/archive.php?article_id=2433.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Police in Uzbekistan Arrest Teenage Christian Converts and Set Up TV “Show Trial,”* CHRISTIAN TELEGRAPH (NOV. 13, 2018), <https://www.christiantelegraph.com/2018/11/13/police-in-uzbekistan-arrest-teenage-christian-converts-and-set-up-tv-show-trial/>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Uzbek Protestants Detained and Their Religious Materials Confiscated Despite Being Legal,* WORLD WATCH MONITOR (Nov. 29, 2018), <https://www.worldwatchmonitor.org/coe/uzbek-protestants-detained-and-their-religious-materials-confiscated-despite-being-legal>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Uzbekistan’s Efforts to Combat Human Trafficking,* EU REPORTED (Aug. 8, 2021),

<https://www.eureporter.co/world/uzbekistan/2021/08/08/uzbekistans-efforts-to-combat-human-trafficking/>.

⁵³ Arnabjit Sur, *Rescued from Traffickers in Aug., Five of Seven Uzbek Women ‘Missing’ from Shelter Home,* THE HINDU (Nov. 3, 2022), <https://www.thehindu.com/news/cities/Delhi/rescued-from-traffickers-in-aug-five-of-seven-uzbek-women-missing-from-shelter-home/article66087949.ece>.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Tashkent Woman Arrested for Human Trafficking,* THE TASHKENT TIMES (Mar. 3, 2022),

<http://tashkenttimes.uz/national/8632-tashkent-woman-arrested-for-human-trafficking>.

⁵⁷ *Id.*

⁵⁸ Adam Judd, *Four Uzbekistan Women Rescued in Pattaya after Falling Victim to Alleged Human Trafficking Scam,* THE PATTAYA NEWS (Feb. 26, 2020), <https://thepattayanews.com/2020/02/26/four-uzbekistan-women-rescued-in-pattaya-after-falling-victim-to-alleged-human-trafficking-scam/>.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Uzbekistan’s Efforts to Combat Human Trafficking,* EU REPORTER (Aug. 8, 2021),

<https://www.eureporter.co/world/uzbekistan/2021/08/08/uzbekistans-efforts-to-combat-human-trafficking/>.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Ninginakhon Saida, *For Sale: Uzbek Babies, Never Parented,* THE DIPLOMAT (Oct. 26, 2022).

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Six-Time Champion of Uzbekistan Condemned for Attempting to Sell Her Four-Day-Old Baby,* KUN (Aug. 3, 2021), <https://kun.uz/en/news/2021/08/03/six-time-champion-of-uzbekistan-condemned-for-attempting-to-sell-her-four-day-old-baby>.

⁶⁸ *Id.*

⁶⁹ Mirzatillo Tillabaev, *Uzbekistan’s Efforts to Combat Human Trafficking,* EUREPORTER (Aug. 8, 2021),

<https://www.eureporter.co/world/uzbekistan/2021/08/08/uzbekist>.

⁷⁰ *International Community Is Informed about the Efforts of Uzbekistan to Combat Human Trafficking and Forced Labor,* UZ DAILY (Aug. 9, 2019), <https://www.uzdaily.uz/en/post/51690>.

⁷¹ *Id.*

⁷² Tillabaev, *supra* note 69.

⁷³ *Id.*