

UZBEKISTAN

**Joint Submission to the UN Universal
Periodic Review**

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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in
General Consultative Status with ECOSOC,**

And

**International Partnership for Human Rights (IPHR) NGO in General
Consultative Status with ECOSOC**

And

Association for Human Rights in Central Asia (AHRCA)

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1. Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the global south, and have members in more than 170 countries throughout the world.
- 1.2** The Association for Human Rights in Central Asia (AHRCA) is an independent human rights CSO, based in exile, which defends fundamental human rights and freedoms, based on the principles set out in the Universal Declaration on Human Rights and international human rights instruments.
- 1.3** International Partnership for Human Rights (IPHR) is an independent CSO founded in 2008. Based in Brussels, IPHR works closely with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities.
- 1.4** In this document, CIVICUS, AHRCA and IPHR examine the Government of Uzbekistan's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. We analyse the Uzbekistani authorities' fulfilment of rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on human rights defenders (HRDs), and assess their implementation of recommendations received during the 2nd UPR cycle on these issues and provide recommendations.
- 1.5** During the 2nd UPR cycle, the Government of Uzbekistan received 27 recommendations on the space for civil society (civic space). Of these, 21 were accepted and six were noted. An evaluation of legal sources and human rights documentation in this submission indicates that the Government of Uzbekistan has not fully implemented any of these recommendations, although it has partially implemented eight.
- 1.6** President Shavkat Mirziyoev's government has taken some positive steps over the last year, which may indicate a greater openness to engage on human rights and facilitate external, independent scrutiny of the situation in Uzbekistan. On 18 July 2017, the Minister of Foreign Affairs welcomed official visits from international human rights organisations, and Human Rights Watch representatives visited the country in September 2017¹ There were also moves to allow the BBC's Uzbek service reaccreditation after it was forced to leave Uzbekistan in 2005. In May 2017, the UN High Commissioner for Human Rights visited Uzbekistan and the authorities issued

¹ [Uzbekistan: New Political Era Should Focus on Rights](#), Human Rights Watch, 5 September 2017.

an invitation to the UN Special Rapporteur on freedom of religion or belief. However, the government has failed to address unwarranted restrictions on civic space systematically, and we remain deeply concerned by the ongoing politically-motivated imprisonment of HRDs, independent journalists and critics of the authorities, and ongoing incidents of persecution, harassment and threats.

1.7 As a result of these and other restrictions addressed throughout this submission, civic space in Uzbekistan remains rated as ‘closed’, the most serious category, by the CIVICUS Monitor.²

- Section 2 of this submission examines Uzbekistan’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Uzbekistan’s implementation of UPR recommendations and compliance with international human rights standards on the protection of civil society activists, HRDs and journalists.
- Section 4 examines Uzbekistan’s implementation of UPR recommendations and compliance with international human rights standards on the freedom of expression, independence of the media and access to information.
- Section 5 examines Uzbekistan’s implementation of UPR recommendations and compliance with international human rights standards on the freedom of peaceful assembly.
- Section 6 makes recommendations to address the concerns listed
- An annex on the implementation of the 2nd cycle of UPR recommendations related to civic space can be found in Section 7.

2. Freedom of association

2.1 During the 2nd UPR examination of Uzbekistan’s compliance with international human rights standards, the government received nine recommendations on the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to ensuring “that civil society organizations and NGOs can work freely and unhindered” (134.25, Germany). Of the nine recommendations the government has only partially implemented one and has failed to even partially implement eight.

2.2 Uzbekistan is party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees the freedom of association in Article 22. Uzbekistan’s Constitution ensures the right to the freedom of association, and a 2007 law protects the activities of non-governmental and non-profit organisations, and prohibits government

² CIVICUS Monitor: [Uzbekistan](#). The CIVICUS Monitor is a research collaboration between CIVICUS and our members and partners that provides regularly updated information and analysis on the space for civil society and citizen activism in every country of the world.

interference in their work.³ In 2013 former President Islam Karimov introduced legislation⁴ apparently simplifying registration procedures for CSOs and non-commercial organisations and restricting the grounds for their dissolution. In 2014 a Law on Social Partnership was passed, with the stated aim of strengthening public participation, access to information and state transparency.⁵

2.3 In 2013, the Uzbekistani authorities claimed there were over 6,000 non-governmental organisations (NGOs) in the country. However, most are affiliated with the government. In February 2017, the government published an Action Strategy⁶ that highlighted five priority areas for reform, and referred to encouraging civil society development and social and political activism.⁷ How this will affect the work of civil society is not yet clear, particularly for CSOs working on human rights or advocacy, or those that are critical of the authorities. Tight state controls on CSO registration, funding and activities, coupled with ongoing repression of individuals' freedom of expression and access to information, prevent CSOs engaged in human rights and advocacy from operating effectively and safely in Uzbekistan.

2.4 Registration is mandatory for CSOs, but most of the few remaining independent human rights groups in Uzbekistan have been unable to register to date. The Code of Administrative Responsibility regulates CSO activities and the authorities impose penalties on domestic and international organisations that fail to register. Registration processes are bureaucratic and costly, and applications are sometimes left unanswered, meaning that refusals cannot be appealed against. In 2015, the UN Human Rights Committee criticised the “unreasonable, burdensome and restrictive requirements for registration and the other obstacles to the work of human rights NGOs” in Uzbekistan.⁸

2.5 CSO activities are further restricted by obligations to seek governmental approval for activities such as conferences and the invitation of foreign participants. An Order passed in June 2016 introduced tight controls on the foreign funding of international

³ Law of the Republic of Uzbekistan '[On guarantees of the activities of non-governmental non-profit organizations](#)' (Collection of Legislation of the Republic of Uzbekistan, 2007, № 1-2, Article 2; 2008, № 51, Article 500).

⁴ Resolution of the President of the Republic of Uzbekistan '[On additional measures to assist the development of civil society institutions](#)' (Collected Legislation of the Republic of Uzbekistan, 2013, No. 51, Article 660).

⁵ Law of the Republic of Uzbekistan '[On Social Partnership](#)' (Collected Legislation of the Republic of Uzbekistan, 2014, No. 39, Article 488).

⁶ Decree of the President of the Republic of Uzbekistan '[On the strategy for further development of the Republic of Uzbekistan](#)', 7 February 2017.

⁷ Ibid., paragraph 1.3.

⁸ '[International Covenant on Civil and Political Rights. Concluding observations on the fourth periodic report of Uzbekistan](#)', United Nations Human Rights Committee, 17 August 2015.

and domestic CSOs operating in Uzbekistan,⁹ and approval is required from the Ministry of Foreign Affairs, Ministry of Justice and the Banking Committee.¹⁰

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Uzbekistan's previous UPR examination, the government received three recommendations on the protection of HRDs, journalists and civil society representatives, including to "take positive steps to ensure that everyone, including human right defenders, independent journalists and NGOs, can peacefully exercise their right of the freedom of expression" (133.62, Belgium). The government has partially implemented two of these recommendations and failed to even partially implement one.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to protect HRDs. The ICCPR guarantees the freedoms of association, expression and peaceful assembly. However, the Uzbekistani authorities curtail independent voices and use surveillance and harassment against human rights activists, independent journalists and critics of government policy. Such people are routinely subjected to travel restrictions, police interrogations, arbitrary arrests and, in some cases, wrongful imprisonment.

3.3 Since President Mirziyoyev came to power in September 2016, four people imprisoned on politically motivated grounds have been released after completing their sentences: Bobomurad Razzokov,¹¹ Samandar Kukanov,¹² Rustam Usmanov and Muhammad Bekjanov.¹³ In February 2017, Jamshid Karimov, nephew of the late

⁹ ['The documents included in the "Collection of Legislation of the Republic of Uzbekistan" No. 24 for the period from 11/06/2016 to 17/06/2016'](#), NORMA Information and Legal Portal. A link in the text leads to the text (in Uzbek) of [Order No. 157-mx](#) of the Minister of Justice of the Republic of Uzbekistan of 15 June 2016 'On approval of Regulations of the procedure for agreeing the receipt by registered non-governmental non-profit organizations of money or property authority from foreign states, international and foreign organizations, citizens of foreign states or other persons on their behalf', registered on 15 June 2016, registration number 2,802.

¹⁰ On 15 June 2016, an order of the Minister of Justice of the Republic of Uzbekistan, [No. 157](#), was signed, according to which all CSOs must receive an official permit from the Ministry of Justice for financial assistance from a foreign source.

¹¹ ['Uzbekistan: Human rights defender sentenced on politically motivated grounds released from prison'](#), IPHR, 26 October 2016.

¹² ['Statement by the Spokesperson on the release of Samandar Kukanov in Uzbekistan'](#), European Union External Action, 30 November 2016.

¹³ ['Uzbek journalist Muhammad Bekjanov freed after 18 years in prison'](#), CIVICUS Monitor, 24 February 2017. Bekjanov and Usmanov had served extended prison sentences imposed in unfair closed trials for allegedly violating prison rules.

President Karimov, was released from a psychiatric hospital where he had been forcibly held since 2006.¹⁴

3.4 On 22 August 2017, Erkin Musayev, former Uzbek government official and UN employee, was released from prison after serving 11 years of a 20-year sentence. In 2007 he was found guilty of spying after he was forced to sign a confession following torture and threats to his family. On 3 October 2017, HRD Azam Farmonov of the Human Rights Society Uzbekistan was released from prison after serving 11 years on politically motivated charges. He had been tortured in pre-trial detention and his sentence was arbitrarily extended for alleged violations of prison rules. Independent journalist Solijon Abdurakhmanov was also released on 4 October 2017 after spending nine years in prison on fabricated charges.

3.5 Notwithstanding these recent releases of prisoners, an oppressive climate persists in relation to critics of the authorities.¹⁵ Persecution and illegal detentions of journalists and civil activists continue, in violation of the 1997 Law on the protection of the professional activities of Journalists¹⁶ and the Constitution.¹⁷ For example, on 27 September 2017, Bobomurod Abdullayev, a sports journalist,¹⁸ was arrested in Tashkent and held incommunicado in detention for two days. On 29 September his family contacted an independent lawyer and on 1 October, his wife was able to visit him in detention, after which the family said that they did not require legal representation. This suggests that they were put under pressure by the authorities. Bobomurod Abdullayev has reportedly been charged with anti-constitutional activities.¹⁹

¹⁴ [‘Islam Karimov’s Nephew Released From Uzbek Psychiatric Clinic’](#), Radio Free Europe/Radio Liberty, 2 March 2017.

¹⁵ [‘Uzbekistan: “traitors to the Motherland” are named’](#), AHRCA, 14 December 2014.

¹⁶ [‘The Law of the Republic of Uzbekistan on the Protection of Professional Activities of a Journalist, 1997’](#). The articles regulating journalistic activity include Article 2 – ‘Legislation on the protection of professional activities of a journalist’, Article 3 – ‘Journalist’, Article 4 – ‘Inadmissibility of censorship’, Article 5 – ‘Journalist’s rights’, Article 6 – ‘Journalist’s duties’, Article 10 – ‘Guarantees of professional activities of a journalist’.

¹⁷ Article 29 of the [Constitution of Uzbekistan](#) reads: “Everyone has the right to freedom of thought, speech and belief. Everyone has the right to seek, receive and impart any information, except where it is against the existing constitutional order and other restrictions provided for by law.”

¹⁸ Bobomurod Abdullayev previously headed the organisation OZOD OVOZ (Free Voice) and was a correspondent for the Institute for War and Peace Reporting.

¹⁹ Article 159.4 of the Criminal Code.

3.6 At least 19 government critics, HRDs, journalists and political opponents remain in prison, having been sentenced to lengthy jail terms in prison on bogus charges²⁰ and following unfair trials.²¹

3.7 Uzbekistan has failed to protect the lives of prisoners imprisoned on politically motivated charges and to provide information about their whereabouts and health to defence lawyers. For example, in June 2017, relatives of wrongfully-imprisoned HRD Nuraddin Jumaniyazov, of the Human Rights Centre Mazlum, reported that he had died in detention on 31 December 2016. Mr Jumaniyazov was arrested and charged with people trafficking in January 2014²² and sentenced to over eight years imprisonment after an unfair trial. He had unsuccessfully appealed against his sentence in April 2014 and following that had not been allowed to see his lawyer, Polina Braunerg, with his whereabouts unknown. In February 2017, the prison authorities informed his lawyer that she could see Mr Jumaniyazov in the prison hospital, despite the fact that he had been dead for two months. The circumstances of his death remain unknown.²³

3.8 Since the last UPR review, journalists and human rights activists have been detained and charged with administrative violations for alleged “hooliganism”²⁴ and for allegedly failing to seek state approval for their activities.²⁵

²⁰ They are often charged under such Articles of the Criminal Code of Uzbekistan as Article 120 (sodomy); Article 157 (Treason); Article 158-3 (Public insult or libel against the President of the Republic of Uzbekistan, in the press or other media); Article 159 (Infringement on the constitutional system of the Republic of Uzbekistan); Article 216 (Illegal organization of public associations or religious organizations); Article 216-1 (Participation in the activities of illegal public associations and religious organizations); Article 216-2 (Violation of the law on religious organizations); Article 244-1 (Making or distributing materials that threaten public security and public order); and Article 244-2 (Establishment, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations).

²¹ These include HRDs Mekriniso Khamadova, Zulkumor Khamadova, Gaybullo Dhalilov, Chuan Matmakulov, Zafarjon Rakhimov, Yuldash Rasulov and Isroil Kholdarov of the Human Rights Society of Uzbekistan; Agzam Turgunov and Fakhridin Tillaev of the Human Rights Centre Mazlum; Dilmurod Saidov, Human Rights Organization Ezgulik; Ganikhon Mamatkanov, Committee for protection of individual rights Uzbekistan); and independent journalists Gairat Mikliboev and Yusuf Ruzimuradov, a journalist for former opposition newspaper ‘Erk’. Botirbek Eshkusiyev, Bahrom Ibragimov, Davron Kabilov, Davron Todzhiev and Ravshanbek Vafoev, employees of the scientific and educational public journal ‘Irmok’, also remain behind bars, as does Dilorom Abdukodirova, a witness of the Andijan tragedy in 2005 who had refugee status in Australia but who returned to Uzbekistan on state assurances to visit her children. See [‘On Torture and Arbitrary detention in Uzbekistan and Turkmenistan. Report to UN Special Mechanisms’](#), CIVICUS, 3 March 2011.

²² Article 135.3 of the Criminal Code

²³ [‘Uzbekistan: 68-year old Human Rights Defender Nuraddin Jumaniyazov dies in detention’](#), IPHR, 20 June 2017.

²⁴ [Administrative Code Article 183.](#)

²⁵ For example, on 14 April 2017, independent journalist Aleksei Volosevich was detained for 18 hours by police in the town of Gazli, Bukhara region after taking photos of the city, and was taken by the police for questioning. Police informed him that he had been detained “for taking photos without permission.” Also, in June 2014, Sid Yanyshiev, a freelance correspondent for the Fergana news agency, was fined US\$3,200 for “Carrying out activities without a license,” in retaliation for publishing material on the demolition of homes in the Shaykhantohur district of Tashkent.

- 3.9** Journalists and human rights activists have been forced to leave Uzbekistan following threats of prosecution in retaliation for their work. In 2015, Uznews.net correspondents Gulasal Kamolova and Vasily Markov sought political asylum.²⁶ Activist Dmitry Tikhonov was forced to seek asylum abroad after facing fabricated administrative charges in 2015, and after being accused by state media of terrorism-related offences.
- 3.10** HRDs and critics who flee Uzbekistan face pressure from the Uzbek authorities, and many report threats against their relatives living in Uzbekistan. Defamatory information is sometimes used to discredit them. For example, Farruh Yusupov, exiled Tajik correspondent for Radio Free Europe/Radio Liberty (RFE/RL), was harassed in retaliation for participating in a corruption investigation involving Gulnara Karimova, daughter of former President Karimov. On 22 April 2017 Fergana regional television accused Mr Yusupov of treason and drug-trafficking.²⁷ Yusupov's relatives in Uzbekistan have been harassed and in August 2016, his brother was sentenced to eight years' imprisonment on drug-related charges, after being forced to make a false confession.²⁸
- 3.11** In August 2017, President Mirziyoyev announced that thousands of people had been taken off a 'blacklist' and called on those living abroad to return to Uzbekistan. However, when writer Nurullo Otahonov (pen name Nurullo Muhammad Raufhon) returned to Tashkent on 27 September 2017 from voluntary exile he was detained at the airport until 1 October, when he was released, but still facing charges.²⁹
- 3.12** The Uzbekistani authorities have used forced psychological treatment to silence HRDs. Human Rights Alliance member Elena Urlyayeva was forcibly confined to a psychiatric hospital in Tashkent from 1 to 23 March 2017. She was detained before a planned meeting with international organisations to discuss forced labour.³⁰
- 3.13** Those who criticise the authorities often have their freedom of movement restricted, particularly those with links to international human rights organisations, independent journalists, former political prisoners and their relatives. They often encounter problems obtaining exit visas to travel outside Uzbekistan.³¹ In August 2017, the authorities announced that from 1 January 2019 the requirement for citizens to obtain permission to leave the country will be revoked. However, travel restrictions on individuals who have criticised the government have not been lifted and human rights activists Said Kurbanov, Uktam Pardayev, Shukhrat Rustamov and

²⁶ ['Special services of Uzbekistan implement a programme of mass surveillance of compatriots abroad'](#), Amnesty International, 31 March 2017.

²⁷ [The programme](#) was shown on 22 and 23 April 2017.

²⁸ ['Uzbekistan Acts Against Brother Of RFE/RL Journalist'](#), RFE/RL, 3 August 2016.

²⁹ ['Uzbekistan: Dissident writer Nurullo Otakhonov released from custody'](#), Fergana, 10 October 2017.

³⁰ ['Uzbek Human Rights Activist Elena Urlyayeva Released'](#), Solidarity Centre, 24 March 2017.

³¹ ['Uzbek "exit visa" divides families'](#), Ozodlik, 30 March 2017.

Elena Urlayeva and artist Vyacheslav Akhunov remain banned from travelling abroad.³²

3.14 Human rights lawyer Polina Braunerg unsuccessfully requested permission from the Department for Visa and Registration to travel abroad for medical treatment for several years. In 2016, when she complained to the Prosecutor's Office about these refusals, the authorities threatened her in order to force her to withdraw the complaint. In February 2017, she applied for an exit visa again but was refused. She died in May 2017.

3.15 Those people who were previously imprisoned on politically motivated charges find it impossible to obtain permission to leave Uzbekistan after their release from prison. For example, former Member of Parliament Murad Djurayev, who spent 21 years in prison on politically-motivated charges, is in need of urgent surgery but has been refused permission to leave the country.³³ Muhammad Bekjanov, former Editor-in-Chief of the opposition newspaper Erk, who was released from prison in February 2017, requires urgent medical treatment for tuberculosis and spinal hernia. He cannot travel to Tashkent for longer than three days, as he no longer has a registration permit. Police informed Mr Bekjanov that persons under administrative supervision are forbidden from travelling abroad under any circumstances. Bekjanov's family live in the USA and he has not seen them for 19 years.

4. Freedom of expression, independence of the media and access to information

4.1 Under the 2nd UPR cycle, the Uzbekistani authorities received and accepted 14 recommendations on the freedom of expression and access to information. Among others, the government pledged to "Ensure media freedom, including Internet freedom, by eliminating all restrictions to the activities of independent media and human rights organizations" (134.27, Estonia). Two recommendations were partially implemented but the government did not take effective measures to even partially implement 12 of them.

4.2 Article 19 of the ICCPR guarantees rights to the freedoms of expression and opinion. Uzbekistani legislation on the freedom of expression and the media is regulated by

³² ['Uzbekistan: Events of 2015'](#), Human Rights Watch World Report 2016.

³³ Permission was refused on 24 April 2017 by Kashkardinsky Passport and Visa Office. On 29 September 2017, Mr Djurayev's wife received permission to leave the country but his passport did not include an exit stamp, indicating that permission to leave had been refused.

the Constitution,³⁴ civil, criminal and other codes,³⁵ and 40 different laws,³⁶ 12 of which specifically relate to journalism, and more than 100 sub-legal acts.³⁷ Analysis shows that the package of legislation, in particular by-laws and normative acts, aims at suppressing and restricting the right to the freedom of expression and the ability to engage in independent journalism. In both policy and practice the Uzbekistani authorities maintain tight control over the media and independent voices.

4.3 In 2017 some steps were taken towards increased press freedom in Uzbekistan. In April 2017, state television aired live discussions of current problems on the 'International Press Club' programme. However, the programme was taken off air after the Prime Minister was criticised, and the programme is now pre-recorded. State media journalists told RFE/RL that on 22 August the Prime Minister ordered an end to all live broadcasts, except the news.³⁸

4.4 State agencies have also begun to publish information on issues which were previously taboo, including cases causing public outcry, the situation of some political prisoners and corruption-related incidents. They also post more information on their websites about their policies.

4.5 However, civil society activists assess these steps as cosmetic in nature, rather than indicative of a long-term government commitment to systemic reform. It is reported that only the President can criticise other government officials and that state control of access to the internet and to proxy servers used to avoid censorship remains tight, with public access to independent news websites and social media periodically restricted.³⁹ Media outlets in Uzbekistan operate under close state supervision and independent journalists risk reprisals for their professional activities. The few local independent journalists who contribute information to foreign media outlets, civil society activists and other critical voices are vulnerable to harassment by the authorities. In its 2017 World Press Freedom Index, Reporters without Borders ranked Uzbekistan at 169th of 180 countries.⁴⁰

³⁴ Article 29 of the Constitution guarantees the rights to the freedom of expression and to seek and disseminate information.

³⁵ The 2017 '[Law on the dissemination of legal information and access to it](#)', adopted on 24 August 2017, № 36, article 944). See also the [Media Law Asia](#) list.

³⁶ Including the 1997 Law '[On the protection of the professional activities of a journalist](#)', which regulates journalistic activities, roles and responsibilities. See also the [Media Law Asia](#) list.

³⁷ [Media Law Asia](#) list.

³⁸ Bobur Alikhonov, Tthe director of Uzbek National Television and Radio Company was dismissed in the wake of the controversy, making him the third head of the state broadcaster to be made redundant under President Mirziyoyev.

³⁹ The National Security Service partially blocks sites and monitors communications. For example, voice chat on Skype works only through a virtual private network (VPN) and other means are blocked. Websites such as [Fergana](#) remain blocked, although recently [Ozodlik](#) has been unblocked. Facebook and Twitter are not blocked.

⁴⁰ '[2017 World Press Freedom Index](#)', Reporters without Borders.

4.6 Access to Uzbekistan remains restricted for individuals living abroad who have previously been blacklisted by the Uzbekistani security services. For example, on 1 March 2017, Hamid Ismailov, the head of the BBC Central Asian Service, who arrived in Tashkent from London, was deported at the airport and expelled the same day. This is one incident among a number where foreign journalists have been detained, questioned and subsequently deported.⁴¹

4.7 The Uzbekistani authorities use the internet and social media to harass foreign independent journalists and HRDs living in exile. For example, an article published on 29 August 2016 by the independent news outlet Fergana.ru reporting on the death of President Karimov, and an interview that Nadejda Atayeva, the head of AHRCA, gave to Euronews on 3 September 2016 led to cyber-bullying, harassment and threats, including the publication of her home address on social networks. Misinformation campaigns are used by state media to discredit independent media reports and those critical of the authorities.

5. Freedom of peaceful assembly

5.1 During the review of Uzbekistan under the 2nd UPR cycle, the government received seven recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government committed to “take appropriate action to guarantee freedom of expression, association and assembly” (133.70, Australia). Uzbekistan accepted five recommendations and noted two, but has failed to realise many of these recommendations adequately.

5.2 Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 33 of the Uzbekistani Constitution⁴² and the Law on the Guarantees of Citizens’ Electoral Rights⁴³ protect the right to participate in meetings and demonstrations, which can only be prohibited on security grounds. ⁴⁴ However, in 2016, amendments⁴⁵ were adopted to the procedure for coordinating the activities of CSOs, which give broad powers to the Ministry of Justice and create additional obstacles to

⁴¹ In November 2016 German journalist Edda Schlager was detained and deported, just before the presidential elections. Also in November 2016, Ekaterina Sazhneva, Russian correspondent of Moskovsky Komsomolets newspaper; was detained and deported, having been accused of “violating the rules of stay” of Uzbekistan.

⁴² [Uzbekistan Constitution](#).

⁴³ [Law on Guarantees of Citizens’ Electoral Rights](#)’.

⁴⁴ Uzbekistan Constitution, Article 33, states that: “Authorities have the right to suspend or prohibit the carrying out of these activities only for justified reasons of security.”

⁴⁵ Order of Ministry of Justice of Uzbekistan 27 July 2016 № 193 [‘On the introduction of amendments and additions to the procedures of agreement of activities of non-governmental non-profit organizations’](#).

the freedoms of assembly and association. Paragraph 1546 states that if at any stage “additional issues” arise the Ministry can request any number of unspecified “additional documents,” in addition to the already extensive list of required documents. Failure to supply necessary documentation could lead to official refusal. These new bureaucratic and burdensome requirements governing event organisation perpetuate a system where the authorities grant permission, rather than receive notification, in violation of Constitutional norms. Moreover, organisers and participants of protests also risk prosecution for criminal offences.⁴⁷

5.3 Uzbekistan’s history of protest is marred by injustice and excessive force. The Uzbekistani authorities have yet to carry out an independent and impartial investigation into the events of 13 May 2005, when law enforcement and security forces indiscriminately fired at a crowd of protesters in Babur Square, Andijan city. The demonstrators had peacefully gathered to voice their grievances over repressive government policies and economic hardships. According to officials, 187 people were killed, but unofficial estimates put the number at between 500 and 1,500.

5.4 Given this background of repression, many citizens are reluctant to participate in protests and demonstrations. However, some signs of change have been observed in relation to public demonstrations recently. Fergana.ru news reported that on 15 August 2017 a spontaneous rally was held by hundreds of people outside the Supreme Court of Uzbekistan.⁴⁸ Angered by the wait for appointments, the crowd of several hundred people reportedly broke down the front gates.⁴⁹ Eyewitness accounts confirmed the incident.⁵⁰

5.5 The death of 18-year-old student Jasurbek Ibragimov after alleged beatings by fellow students in Tashkent on 3 May 2017 led to a public outcry. Over 19,000 people signed a petition demanding that the authorities ensure justice.⁵¹ On 4 June 2017 over 200 people gathered at a spontaneous rally in Dustlik Park in Tashkent.⁵² The Deputy Chief of the Tashkent Internal Affairs Directorate attended and promised that action

⁴⁶ Paragraph 15 of Order 193 states that if additional questions arise regarding the plans, the event being carried out, or the drafts of printed, audio-visual and other materials produced, the Ministry of Justice can request additional documents from the CSO making the request.

⁴⁷ They may be prosecuted under Criminal Code Article 217 (‘Violation of the procedure for organizing, holding meetings, rallies, street processions or demonstrations’); Article 200 (‘Self-rule’); Article 201 (‘Violation of the procedure for organizing, holding meetings, rallies, street processions or demonstrations’); and Article 202 (‘Creating conditions for holding unauthorized meetings, rallies, street processions and demonstrations’).

⁴⁸ [‘Uzbekistan: Supreme Court refutes the demolition of its gate by angry visitors’](#), Fergana, 8 August 2017.

⁴⁹ [‘Refusal’](#), The Supreme Court of the Republic of Uzbekistan, 19 August 2017.

⁵⁰ [‘In Tashkent, an angry mob stormed the Supreme Court building’](#), Ozodlik, 17 August 2017.

⁵¹ [‘In Tashkent, an action was held in defence of the deceased after the beating of a teenager \(video\)’](#), Ozodlik, 4 June 2017.

⁵² [YouTube clip](#), 4 June 2017.

would be taken. A criminal investigation is under way at the time of writing.⁵³ However, when the regional news site Fergana.ru,⁵⁴ which is banned in Uzbekistan, set up a Facebook page relating to the incident⁵⁵ the organisers of the online petition and those who had participated in the rally were questioned by the security services.

5.6 The authorities do not tolerate all public protests. According to Fergana.ru, in August 2017, 85-year-old pensioner Nina Sahartseva and 80-year-old Yulia Syavich from Tashkent were peacefully holding up signs in front of the presidential administration building asking President Mirziyoyev to meet them to hear their complaints.⁵⁶ After the women had stood there calmly for two hours, officials from the presidential administration came out and one grabbed them roughly by the hands and doused them with water.

6. Recommendations to the Government of Uzbekistan

CIVICUS, AHRCA and IPHR call on the Government of Uzbekistan to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedom of association, freedom of expression, freedom of peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. We make the following recommendations:

6.1 Regarding the freedom of association

- Foster a safe, respectful, enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Cease state persecution of government critics, both from abroad and in Uzbekistan.

⁵³ [‘GUVD in the city of Tashkent in fact occurred in the medical college named after P.F. Borovsky reports’](#), Main Department of Internal Affairs of Tashkent City, June 2017.

⁵⁴ See [Fergana news stories on Jasurbek Ibragimov](#), 2017.

⁵⁵ [Facebook page](#).

⁵⁶ [‘Uzbekistan: Officials of President’s Office showered elderly cold water visitors in Tashkent’](#), Fergana, 2 September 2017.

- Remove undue restrictions on the ability of civil society organizations to receive international and national funding in line with best practices articulated by the UN Special Rapporteur on the rights to peaceful assembly and of association.
- Abolish criminal responsibility for organising and participating in the activities of non-registered organisations and lift the ban on the activities of non-registered organisations.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.

6.2 Regarding the protection of HRDs

- Provide civil society activists, HRDs and journalists with a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Initiate a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the work of HRDs, in line with the UN Declaration Human Rights Defenders;
- Amend legislation in accordance with the ICCPR and the UN Declaration on Human Rights Defenders.
- Unconditionally and promptly release all HRDs, including journalists and bloggers, detained for peacefully exercising their right to the freedoms of association, expression and peaceful assembly.
- Lift travel restrictions on individuals previously imprisoned on politically motivated grounds and allow them to travel abroad for medical treatment.
- Apply legal provisions that promote and protect human rights and establish mechanisms that protect human rights activists by adopting a specific law on the protection of human rights activists, in accordance with Council resolution 27.31 of the UN Human Rights Council.

6.3 Regarding the freedom of expression, independence of the media and access to information

- Bring defamation laws into line with Article 19 of the ICCPR.
- Develop legislation to ensure compliance of internet legislation with the government's obligations to guarantee the freedoms of expression and information; ensure free access to electronic media, liberalise rules for owning electronic media and allow bloggers, journalists and other internet users to play an active role in promoting and protecting rights.
- Ensure unrestricted access to online information resources, including national and international news sites, social networks and CSO websites.
- Refrain from imposing censorship or excessive control over social networks, the media and literature.
- Ensure that journalists and writers can work freely without fear of retribution for expressing critical opinions or covering topics that the government deems sensitive, and adopt a framework for the protection of journalists from persecution, intimidation and harassment.

6.4 Regarding the freedom of assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the right to freedom of peaceful assembly and of association in his 2012 annual report, which calls for the practice of simple notification of events being held rather than explicit permission being needed to assemble.
- Amend domestic legislation to fully guarantee the right to freedom of assembly.

6.5 Regarding access to UN Special Procedures mandate holders

- Extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits with the 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on Torture; 6)

Special Rapporteur on extrajudicial, summary or arbitrary executions; 7) Special Rapporteur on the rights to privacy; 8) Working Group on Arbitrary Detention.

6.6 Regarding State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society sectors.
- Incorporate the results of this UPR into action plans for the promotion and protection of human rights, taking into account civil society proposals, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.