CENTRAL ASIA: HUMAN RIGHTS PROTECTION DURING THE COVID-19 PANDEMIC — KEY TRENDS

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This document is published within the framework of an initiative of International Partnership for Human Rights (IPHR) and its partners to monitor and document the human rights impact of governments’ responses to the Covid-19 pandemic in Central Asia and other parts of the former Soviet Union. It is based on country reports on this topic prepared by IPHR and its Central Asian partners Kazakhstan International Bureau for Human Rights and Rule of Law (on Kazakhstan), Legal Prosperity Foundation (on Kyrgyzstan), Turkmen Initiative for Human Rights (on Turkmenistan) and the Association for Human Rights in Central Asia (on Uzbekistan). It highlights key trends with respect to rights violations occurring in the context of the Covid-19 pandemic.

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Introduction

The global Covid-19 pandemic has resulted in growing restrictions on fundamental rights in Central Asia, as the authorities of the region have limited such rights in ways that go beyond what is justified on public health grounds. International Partnership for Human Rights (IPHR) and its Central Asian partners have documented this alarming trend as part of an initiative to monitor the human rights impact of governments' handling of the pandemic.

The governments of Kazakhstan and Kyrgyzstan quickly introduced emergency regimes as the Covid-19 pandemic spread to their countries, while Uzbekistan enforced a strict lockdown without declaring any state of emergency. By contrast, the governments of Tajikistan and Turkmenistan adopted a policy of denial, claiming that the pandemic had not reached their countries. Tajikistan's government later acknowledged the spread of Covid-19, but Turkmenistan's government has continued to deny and cover up the evident Covid-19 outbreak in this country. Despite these differences in government approach, human rights protection has deteriorated across the region because of measures taken in response to the pandemic or pushed through in its shadow.

Monitoring by IPHR and its partners shows that Central Asian authorities have sought to stifle discussion on Covid-19 on media and social media platforms; intimidated and harassed those critical of government responses to the pandemic; and pushed ahead with controversial laws negatively affecting civil society and the media without proper discussion and consultation. While failing to ensure adequate protection against Covid-19 among medical professionals and patients, authorities have gone after medical workers raising their voices on such issues. The Covid-19 pandemic has exposed the weaknesses of the national health care systems, aggravated the problem of domestic violence, and reinforced concerns about prisoners and other vulnerable groups of the population across Central Asia. These and other key issues are described in the country summaries below. Additional information can be found in the country reports listed at the end of the summaries.
In Kazakhstan, the authorities responded to the global Covid-19 pandemic by introducing a state of emergency as of 16 March 2020, along with a series of measures restricting the freedom of movement and other fundamental rights of citizens. The national borders were shut; the entry and exit points of most cities were closed; and movement within cities was limited, with residents being allowed to leave their homes only for strictly limited purposes and police patrolling the streets to monitor compliance. In a particularly far-reaching measure, there were reports of authorities sealing off entire residential complexes where individual residents had been diagnosed with Covid-19, resulting in that all those living there were unable to leave their homes for the duration of the enforced quarantine. Both public and private gatherings of citizens were prohibited.

After the state of emergency expired on 11 May 2020, restrictions were gradually eased. However, as the Covid-19 infection rate started rapidly increasing in the second half of June 2020, and hospitals were overcrowded by such patients, restrictive measures were again stepped up. This was in particular the case under a new, nation-wide quarantine introduced as of 5 July 2020, even if the second lockdown was not as strict as the initial one. As of mid-August 2020 restrictions were again eased.

Covid-19 cases as of 1 October 2020 - prepared by Worldometers based on official statistics
In the context of the Covid-19 pandemic, numerous civil society activists, journalists, bloggers, medical workers and other citizens have faced retaliatory measures for social media posts challenging the government’s handling of this crisis. They have been questioned, warned and held to account under legal provisions that penalise violations of emergency regulations or provide for harsher penalties for offenses committed during emergencies. Several bloggers and activists have been investigated on criminal charges of knowingly disseminating “false” information (under Criminal Code article 274) during the pandemic. Well-known civil society activist Alnur Ilyashev was convicted on such charges in June 2020 because of social media posts in which he criticised those in power and their Covid-19 response. He was sentenced to three years’ restricted freedom – a non-custodial sentence that entails court-imposed restrictions on his movement – and banned from civic engagement for five years.

During the pandemic, a new, unregistered opposition movement called the Street Party – which aims to achieve a peaceful transition of power - was banned as “extremist” by court decision in May 2020. Both before and after this court decision, supporters of the movement were targeted by law enforcement authorities, such as by being detained and fined for disseminating information about the movement, and by being summoned, warned and prosecuted under a criminal code provision that provides for liability for participation in banned, extremist organisations.

In another worrying development, the authorities rushed through a new, poorly prepared law on assemblies during the pandemic, in spite of widespread criticism from civil society and the international community. The president signed the new law in May 2020, ignoring calls to reopen public consultation and seek the advice of international human rights experts. The new law falls short of international human rights standards in a number of respects, including by de-facto retaining the requirement to obtain approval from local authorities prior to protests, setting out a cumbersome procedure for doing so, allowing assemblies only in venues designated by local authorities, and providing for an extensive list of grounds on which authorities may refuse to allow assemblies to take place.

In recent months, authorities have continued to disperse allegedly unlawful peaceful protests and to detain and penalise the participants. In a case that attracted widespread attention, civil society activist Asya Tulesova faced criminal charges after knocking the hat off a police officer in protest against police brutality during a peaceful rally in Almaty in June 2020. She was held in pre-trial detention for two months, which human rights NGOs criticised as disproportionate and unjustified in particular at this time of Covid-19 pandemic. She was finally given a 1.5-year non-custodial, restricted freedom sentence and released in August 2020.

As in other countries, there have been concerns about the situation of prisoners in Kazakhstan during the Covid-19 pandemic. In particular, civil society has criticised the authorities for failing to ensure that prisoners have access to the same level of Covid-19 protection as the general population, as well as for failing to take concrete steps to reduce the prison population. During the initial Covid-19 lockdown, there were also increasing reports of domestic violence. Although the country’s crisis centres continued to operate, victims of domestic violence experienced difficulties in escaping abuse and accessing help because of the restrictions on movement in place. Domestic violence is not punishable as a separate offense under Kazakhstan’s Criminal Code and perpetrators of such violence often face only short-term administrative detention, if held accountable at all.
FOR MORE INFORMATION:


- Kazakhstan: Massive restrictions on expression during Covid-19; sudden banning of peaceful opposition – update published by IPHR and KIBHR

- Two-part podcast on domestic violence in Kazakhstan during the Covid-19 pandemic (in Russian), posted as part of IPHR's Human Rights Survival Guide and featuring KIBHR speakers
The Kyrgyzstani authorities responded to the growing number of Covid-19 cases registered in the country by announcing a nation-wide emergency situation as of 22 March 2020, and declaring a stricter state of emergency in Bishkek and several other regions as of 25 March 2020. The state of emergency was prolonged through 10 May, while the emergency situation remained in force beyond this date.

The emergency regimes featured a series of restrictions on the freedoms of movement and assembly in particular. Given these restrictions, Kyrgyzstan informed the UN Secretary-General about its derogation from the provisions of the International Covenant on Civil and Political Rights (ICCPR) that protect these two rights, thus becoming the only Central Asian country to take the exceptional step of derogation under the ICCPR in the context of the Covid-19 pandemic. The implementation of the emergency regimes also negatively affected the protection of other rights alongside those formally suspended.

Under the emergency regimes, law enforcement authorities stopped, warned, and fined thousands of people for violating the curfew and other rules. Those detained for curfew violations were not
granted access to legal assistance and were held for hours in crowded police cells, where they were at increased risk of contracting Covid-19. Some of the new legal provisions introduced to punish violations of emergency rules are vaguely worded and set out disproportionately harsh penalties, such as heavy fines and even imprisonment. At the beginning of the Covid-19 crisis, lawyers experienced difficulties in assisting clients because they were not exempted from the restrictions on movement enforced in Bishkek and elsewhere.

For weeks, journalists were also not accredited to work in the capital and other regions where the state of emergency was in force and could therefore not effectively carry out their professional activities. In addition, journalists reported problems with obtaining relevant information from government officials on the measures taken in the struggle against Covid-19. The restrictive media policy primarily affected independent media, while state media were used as platforms for communicating government information about the pandemic.

In another development raising free speech concerns, security services detained, threatened and pressured social media users to “publicly apologise” for posts allegedly containing “false” information about the pandemic. Those targeted included medical professionals drawing attention to the lack of appropriate means of protection against Covid-19 at medical facilities. Media watchdogs and civil society have rallied against a new law on “manipulation of information”, which was introduced during the pandemic. This law sets out a broadly worded ban on disseminating “false” information through the internet and grants authorities the power to block access to such information without a court decision. Despite the objections raised, parliament passed the new law in June 2020 after a speedy approvals process. Following the adoption of the law, a civil society campaign was launched to call on the president to veto the law, and in August 2020, he sent it back to parliament for revision.

A widely criticised draft law on NGOs has also advanced during the Covid-19 crisis, with parliament passing it on the second out of three required readings in June 2020. The draft law increases the already heavy reporting burden for NGOs, and civil society fears that it might be used to intimidate NGOs that are inconvenient to the authorities. Although the law would directly affect NGOs, there has been no proper consultation with NGOs on it. Because of Covid-19 restrictions, only few NGOs critical of the initiative were invited to a parliament hearing in May 2020. The discussion surrounding the draft law has reinforced suspicion and mistrust against NGOs, with its proponents accusing NGOs of threatening national security. At the same time, civil society representatives have been subjected to growing pressure and some activists have been singled out for criminal investigation.

As part of the emergency measures implemented in Bishkek and other regions, all assemblies were banned. However, in practice, law enforcement authorities enforced this ban selectively, allowing some peaceful protests to take place, while dispersing others, including protests where the participants practised social distancing and used face masks.

During the Covid-19 pandemic, prisoners have been at heightened risk. An amnesty adopted in mid-May 2020 provided for the release of some categories of prisoners, including elderly and disabled prisoners. However, the practical impact of the amnesty was limited since it did not apply to prisoners convicted of certain crimes even if they fell within the categories eligible for release. The amnesty did also not extend to seriously ill prisoners. The authorities failed to release elderly, ailing human rights defender Azimjan Askarov in spite of repeated calls by civil society and the international community to this end. He also did not get adequate medical attention for
his worsening condition and in July 2020 he tragically died in prison – of pneumonia, known as a serious complication of Covid-19.

While already widespread, domestic violence has further increased during the Covid-19 crisis. At the same time, it became more difficult for victims to escape abuse and seek help during the initial lockdown, and crisis centres were not able to operate as usual. In a positive move, legal amendments adopted during the pandemic broadened the grounds on which suspected perpetrators of domestic violence can be temporarily detained to protect victims. However, lack of access to justice for victims remains a key problem.

After the state of emergency ended and restrictions were gradually lifted as of Mid-May 2020, the number of Covid-19 cases surged in Kyrgyzstan. The rapid increase in the number of such cases overstretched the capacity of the health care system, with reports of overwhelmed ambulance services, overcrowded hospitals, and shortages of medical staff and equipment. A considerable share of those diagnosed with Covid-19 was made up of medical workers. Government officials called for measures to increase health care capacity, while saying that more stringent restrictions would only be re-introduced as a last resort because of their damaging economic impact.

FOR MORE INFORMATION, SEE:

- [Human rights impact assessment of the Covid-19 report in Kyrgyzstan](#), issued by IPHR and the Legal Prosperity Foundation (LPF)
- [Kyrgyzstan: Growing pressure on civil society and media, Azimjan Askarov’s tragic death in prison](#) – update published by IPHR and LPF
At the beginning of the global Covid-19 pandemic, the authorities denied that Covid-19 had spread to Tajikistan, despite media reports and social media accounts indicating that it was already progressing rapidly across the country. After reliable sources reported the first Covid-19 cases in mid-March 2020, there was an alarming increase in cases and deaths of patients with Covid-19 like symptoms. While state media backed up the government’s narrative of Tajikistan being a Covid-19 free country, the bearers of bad news – doctors and independent journalists and media outlets – became targets of intimidation and harassment. Medical doctors reported being pressured by health officials not to refer suspected Covid-19 cases for testing or to disclose any information about such patients, and journalists were warned that they may face liability for publishing “false” information on Covid-19 related issues. At the same time, state officials often failed to respond to inquiries from journalists and civil society activists about such issues, and left citizens with pressing unanswered questions about the pandemic, even if general information about the Coronavirus was made available.

**Coronavirus Cases**

- 9,974

**Recovered**

- 8,794

**Deaths**

- 78

Covid-19 cases as of 1 October 2020 - prepared by Worldometers based on official statistics
The authorities only confirmed the first Covid-19 cases on 30 April 2020, on the eve of the visit of a World Health Organisation (WHO) delegation to the country. Even after the authorities acknowledged the Covid-19 outbreak, concerns have remained about their lack of transparency with respect to the pandemic. The authorities have continued to accuse independent media outlets of “spreading panic” because of their Covid-19 reporting, and they have adopted new broadly worded legislation on “false” information. This legislation, which entered into force in July 2020, establishes heavy fines for the distribution of “inaccurate” and “untruthful” information on issues concerning the emergence and spread of diseases through the press or social and electronic networks. There are concerns that it might be used as a tool to intimidate and silence independent media outlets, NGOs and others who share or quote unofficial reports and experiences on Covid-19 related issues. Since the legislation entered into force, the information flow on the pandemic has greatly decreased both on media and social media platforms.

Available information indicates that the authorities failed to take adequate measures to protect medical professionals and patients especially at the outset of the Covid-19 pandemic. Doctors complained about the absence of clear protection protocols and procedures, as well as the lack of sufficient protective personal protective equipment (PPE). The lack of PPE is believed to have been a major reason contributing to Covid-19 infections among medical workers, with reliable sources reporting about numerous deaths of medical workers due to Covid-19, although the authorities have denied the existence of such cases. Initially all Covid-19 tests were sent to a Dushanbe-located laboratory; while testing capacity was increased following the WHO delegation visit, limited access to Covid-19 testing has remained a problem. The Covid-19 crisis has also highlighted the shortcomings in Tajikistan’s healthcare system, including the insufficient number of medical facilities, the poor shape of existing facilities, and the serious shortage of qualified health professionals. Another concern is the authorities’ lack of transparency on the extent and use of foreign financial and humanitarian assistance received for the fight against Covid-19.

There have been reports of prisoners suffering from respiratory illnesses indicative of Covid-19. Among those reported to have contracted such illnesses are individuals imprisoned on charges deemed politically motivated, including journalist Daler Sharipov and lawyer Buzurgmehr Yorov. While there are no, comprehensive official statistics, reports from crisis centres indicate that incidents of domestic violence have increased significantly during the Covid19-crisis. At the same time, lack of adequate protection for victims and impunity for perpetrators remain serious problems due to gaps in national legislation and practice, as well as societal stigma associated with domestic violence.

FOR MORE INFORMATION, SEE:

- **Human rights impact assessment of the Covid-19 response in Tajikistan**, issued by IPHR
- **The alarming state of the healthcare system in Tajikistan**, written by Sebastien Peyrouse and issued by IPHR
- **Tajikistan: Cover-up and downplay of Covid-19; massive restrictions on expression** – update published by IPHR
Turkmenistan’s government tightly controls the flow of information, suppresses dissent and covers up developments that may reflect badly on those in power. Its approach to the global Covid-19 pandemic fits into this pattern: it has responded with denial, lack of transparency and attempts to hide the truth.

Turkmenistan’s government continues to deny that Turkmenistan is affected by the Covid-19 pandemic, and there are no official statistics of the number of Covid-19 cases in the country. As of 1 October 2020, a total of 105 suspected Covid-19 deaths had been registered at the informal, exile-based covid19tm.com site created to register such deaths in Turkmenistan. In reality, the number of such deaths is believed to be higher.

Turkmenistan’s government appears to have sought to demonstrate the absence of Covid-19 in the country at any cost, in line with President Berdymukhamedov’s call for making “every effort” to prevent Covid-19 from reaching Turkmenistan. Thus, the government has continued to insist that there are no cases of Covid-19 infections in the country, although independent, exile-based sources have reported about a growing number of such cases. By June 2020, there was evidence of a widening outbreak of Covid-19 in Turkmenistan, with independent sources reporting that hospitals were strained by the influx of people with acute respiratory conditions classified as pneumonia, as well
as a growing number of deaths due to such conditions. Those believed to have contracted and died of Covid-19 include numerous medical professionals.

The authorities have pressured doctors to participate in covering up the Covid-19 outbreak by disguising such cases and refraining from sharing information about them. Medical professionals have also been subjected to intimidation for raising concerns about the lack of adequate resources for the treatment of people with acute respiratory conditions. In addition, the authorities have sought to stifle discussion among residents on the Covid-19 pandemic and supposedly prevent “panic”, including by detaining and threatening people speaking about Covid-19 related issues in public places. While national state-controlled media outlets have only communicated state-endorsed messages on Covid-19, the authorities have continued their attempts to impede the work of independent Turkmenistan-covering outlets based abroad.

Available information suggests that, during the first few months of the global pandemic, the authorities failed to enforce adequate safety protocols for the treatment of patients with Covid-19 symptoms and provide medical workers with adequate protection. Independent sources reported about the lack of protective clothing and equipment, with medical workers sometimes having to buy or sew face masks and other means of protection themselves. More systematic use of protective equipment began only in the summer when the number of suspected Covid-19 cases was on the rise and a WHO delegation was due to visit Turkmenistan, more than two months after the WHO first requested permission to visit the country.

In spite of their policy of Covid-19 denial, the authorities stepped up Covid-19 preventive measures ahead of the WHO mission in July 2020. They enforced a requirement to wear face masks in public places and issued recommendations for social distancing, unlike during the first few months of the global pandemic, when those wearing face masks were subjected to intimidation and citizens continued to be mobilised for state-organised mass events. The authorities also introduced previously unprecedented lockdown measures in connection with the WHO mission. However, the authorities did not explain the real purpose of these measures to citizens, instead referring to an allegedly increased level of dust in the air and the supposedly documented risk of viruses being born by air currents from abroad. Moreover, aside from obstructing the WHO mission for weeks, the authorities reportedly transferred patients with Covid-19 like symptoms out of hospitals, which the WHO experts were due to visit and took other steps to prevent the experts from finding out the real Covid-19 situation. At the end of their visit, the WHO experts flagged concerns about the increase in cases of acute respiratory infections and called on the authorities to act as if Covid-19 had begun to spread in the country. However, the experts stopped short of saying that the Covid-19 pandemic already was affecting the country, and the Turkmenistani authorities maintained that there were no cases of Covid-19. Because of the remaining concerns about the government’s approach, in August 2020, the WHO announced plans for a new visit to Turkmenistan to independently sample suspected Covid-19 patients.

The government’s failure to respond appropriately to the Covid-19 pandemic has contributed to reinforcing resentment with the government, at a time when citizens of the country also suffer from the fallout of a protracted economic crisis. Recent months have seen growing expressions of discontent on social media, several spontaneous protests inside the country and a wave of anti-government rallies staged by diaspora communities abroad. These developments have prompted the authorities to step up pressure on critical voices, including activists based abroad and their
family members in Turkmenistan, as well as individuals inside the country daring to speak up against the government.

At this time, there are also serious reasons to fear for the health, well-being and lives of those within the Turkmenistan's secretive prison system, in particular those held on politically motivated grounds.

FOR MORE INFORMATION SEE:

- “It came with the wind”- Human rights impact assessment of the Covid-19 response in Turkmenistan, issued by IPHR and Turkmen Initiative for Human Rights (TIHR)

- Turkmenistan: Wave of protests prompts growing pressure on activists as government continues Covid-19 denial – update issued by IPHR and TIHR
Soon after the first Covid-19 cases were registered in Uzbekistan in March 2020, the government introduced restrictive measures under a so-called quarantine regime, although it stopped short of declaring a state of emergency or an emergency situation. The authorities closed the national borders and imposed a nationwide lockdown, with residents being allowed to leave their homes only on strictly limited grounds. Outside residents were required to wear face masks, observe social distancing and refrain from gathering in groups of more than three (with the exception of families). The restrictions were gradually eased as of May, with the extent of the restrictions in force varying in different parts of the country. Because of a surge in Covid-19 cases, as of 10 July, the authorities again stepped up nationwide quarantine restrictions, which remained in force through mid-August and thereafter were gradually eased. New legislation adopted during the pandemic provides for stiff penalties for violations of quarantine measures, including heavy fines and imprisonment.

During the initial lockdown, lawyers experienced difficulties with visiting clients in detention and providing legal assistance and counsel to them, which negatively affected the protection of the rights of clients. During the same period, courts postponed hearings on non-urgent cases, in the
absence of transparent criteria for making such decisions. While citizens were able to submit claims
to court online, this procedure was criticised for being insufficiently regulated, resulting in that
many claims were rejected when courts resumed their operations. Some court arrangements
used during the quarantine gave rise to fair trial concerns, such as the participation of defendants
through video link or the conduct of court hearings behind closed doors inside detention facilities.

During the Covid-19 pandemic, the Uzbekistani authorities have stepped up their crackdown
on freedom of expression, which was already seriously restricted in the country. New legislation
adopted at this time is problematic in the light of free speech. In particular, amendments to the
Criminal Code adopted in March 2020 punish the dissemination of “false” information about the
spread of Covid-19 and other infections by fines or up to three years’ imprisonment. Human rights
defenders have criticised these provisions as another tool of repression and their adoption appears
to have discouraged online posts and discussions on Covid-19 related issues. Bloggers and other
social media users critical of the authorities have also reportedly been intimidated and harassed by
law enforcement authorities, including by being accused of violating quarantine requirements, and
there have been new cases of persecution of independent human rights defenders and journalists
in recent months. As of the end of September 2020, the justice for journalists site had recorded
eleven attacks and threats targeting media workers in Uzbekistan in relation to the pandemic.

While prisoners have been especially vulnerable during the Covid-19 pandemic, the authorities
have failed to undertake significant efforts to reduce the prison population by implementing early,
temporary or short-term release schemes for relevant categories of prisoners. The authorities
have also failed to ensure that prisoners can enjoy the same level of health and hygiene as the
general population, and quarantine measures have negatively affected prisoners’ access to legal
and independent medical assistance, as well as their contacts with families.

During the Covid-19 pandemic, domestic violence has increased, as quarantine measures have
forced families to spend time together in small spaces for weeks, while quarantine-related loss of
jobs and income has caused stress and conflict and victims of abuse often have had nowhere to
escape. Only a few of the more than 190 crisis centers that officially exist in the country functioned
during the quarantine, although support was reportedly offered to victims of abuse through
government and non-government hotlines and other channels. In the first four months of 2020,
over 500 protection orders were issued under a 2019 law on the protection of women against
violence. However, while the adoption of this law was welcome, there are remaining concerns about
the lack of sufficiently effective measures to combat domestic violence in Uzbekistan, as highlighted
among others by the UN Human Rights Committee.

The Covid-19 pandemic has strained Uzbekistan’s health care system. As the number of Covid-19
cases started growing rapidly as of the second half of June 2020, medical officials sounded the alarm
about the lack of capacity of the public system to accommodate all patients, saying that its resources
had been exhausted. The health ministry recommended home treatment and encouraged patients
to go to private clinics. At the same time, private health care services have also been hard hit by the
Covid-19 crisis and are often unavailable. In mid-July, President Mirziyoyev reprimanded the health
minister and top regional officials for their handling of the Covid-19 outbreak, saying they had lost
control over the situation at medical facilities, and ordered the allocation of additional resources.
However, in addition to the lack of sufficient resources for the treatment of Covid-19 patients, the
current pandemic has also exposed serious underlying problems within the health care system,
which have persisted in spite of President Mirziyoyev’s reform initiatives. These include the lack of
modern medical facilities and equipment, bed space, and trained medical professionals.
While the state has provided social assistance to low-income and other needy families particularly affected by the pandemic, there are concerns that the assistance has been insufficient and that the lack of clear criteria for the allocation of support, combined with corruption have undermined the effectiveness of these interventions.

**FOR MORE INFORMATION:**

- See forthcoming report on the human rights impact of the Covid-19 response in Uzbekistan, to be issued by IPHR and the Association for Human Rights in Central Asia (AHRCA), as well as forthcoming report on the state of the healthcare system in Uzbekistan, written by Sebastien Peyrouse and to be issued by IPHR.