

# Briefing ahead of the EU-Uzbekistan Human Rights Dialogue

June 2023

## Introduction

In recent years the authorities took some limited and much publicized steps to address human rights concerns, but civic freedoms remain severely restricted; local human rights defenders, independent journalists and bloggers and others who voice criticism of the government continue to be at risk of imprisonment and other reprisals; the government continues to refute credible reports of torture and ill-treatment; domestic violence remains a matter of grave concern; consensual homosexual adult sex is an offence in Uzbekistan's Criminal Code; and forced evictions supported by the authorities leave people in vulnerable situations for the benefit of private investors. In 2022, the events in the Republic of Karakalpakstan have, moreover, exposed that excessive force remains a weapon the authorities continue to use against protest and dissent.

Below are summaries of our key concerns and recommendations regarding freedom of expression of bloggers and journalists; human rights defenders, civil society, and lawyers; torture and ill-treatment; domestic violence; LGBT; and forced evictions. We urge you to particularly emphasize these issues in your dialogue with the Uzbekistani delegation, as well as to raise individual cases mentioned in this briefing paper, including bloggers **Otabek Kodirov**, **Miraziz Bazarov** and **Otabek Sattoriy**, torture victim **Aleksander Trofimov**, former diplomat **Kadyr Yusupov**, and the case of forced eviction of Tashkent resident, **Olga Abdullayeva**.

## Human rights violations related to the 2022 Karakalpakstan protests

The authorities have yet to ensure an independent investigation into the July 2022 events in Karakalpakstan in western Uzbekistan, when mass protests broke out against proposed constitutional amendments which would have deprived the republic of its current constitutionally protected status and its right to secede from Uzbekistan. There are credible reports that authorities used excessive force, arbitrary detentions, and torture and ill-treatment when putting down the protests. According to official figures, **at least 21 people died and 270 needed medical assistance**.<sup>1</sup> However, the exact number of all those killed or injured remains unknown as official sources have subsequently published differing figures and there are credible reports by civil society sources indicating that several victims have not been included in official statistics. The authorities have not yet provided comprehensive information about the circumstances of their deaths.

The investigative efforts undertaken into the Karakalpakstan events have been shrouded in secrecy and no one is known to have been held accountable to date for the killings or violations of the rights of protesters, although a few law enforcement officials reportedly have been charged with wrongdoing.<sup>2</sup> At the same time, the authorities have depicted the events as an attempt to seize power in Karakalpakstan, and accused protesters of seeking to storm government buildings. They imposed a month-long state of emergency in the Republic and suspended internet access, thereby restricting access to information and the ability to participate in online discussions about the constitutional amendments that were taking place in other parts of the country.

Over 500 people were detained in connection with the protests. AHRCA and IPHR are seriously concerned at numerous, credible reports of excessive use of force, arbitrary detentions, and torture and ill-treatment of detainees in connection with the measures taken to put down the protests. There is a pressing need for the authorities to impartially and thoroughly investigate all allegations of human rights violations related to the mass protests, publish the conclusions of the investigation and ensure accountability and redress.<sup>3</sup>

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<sup>1</sup> For more information about the Karakalpakstan events and related violations, see submission for the Universal Periodic Review (UPR) of Uzbekistan by Association for Human Rights in Central Asia (AHRCA) and IPHR from April 2023: <https://www.iphronline.org/wp-content/uploads/2023/04/UPR-Uzbekistan-2023.pdf>

<sup>2</sup> See more in the following news report:

[https://www.gazeta.uz/ru/2023/02/09/gp/?utm\\_source=push&utm\\_medium=telegram](https://www.gazeta.uz/ru/2023/02/09/gp/?utm_source=push&utm_medium=telegram)

<sup>3</sup> Further information: <https://www.iphronline.org/uzbekistan-karakalpakstan.html>

While many detainees were released after being subjected to administrative penalties, several dozen faced criminal charges for allegedly committing anti-constitutional crimes. Among those detained and charged are well-known journalists, bloggers and activists from the region, who publicly criticised the proposed constitutional amendments and are accused of playing leading roles in the protests.

The first trial against 22 defendants opened in the Criminal Court of Bukhara Region on 28 November 2022, hundreds of kilometres away from Karakalpakstan and failed to meet international fair trial standards. While the first hearing was publicly accessible through a live broadcast, the broadcast was stopped on 5 December at the request of the prosecution, a few days after lawyer and blogger **Dauletmurat Tazhimuratov** had given a speech in court maintaining his innocence and saying he had been tortured. The allegations of torture were not referred for independent investigation. Civil society sources reported that other defendants were also tortured but did not speak out in court for fear of reprisals.

Along with journalist **Lalagul Kallykhanova**, Tazhimuratov was charged with encroaching on the constitutional order and other serious crimes related to allegedly playing leading roles in the protests. On 31 January 2023, he was sentenced to 16 years in prison; Kallykhanova was given a suspended seven-year sentence with three years' probation. More than a dozen of Tazhimuratov's co-defendants were sentenced to prison terms of up to eight years. Tazhimuratov vehemently denied all charges, while Kallykhanova confessed to wrongdoing and expressed remorse, raising concerns that she might have been pressured to do so in exchange for a lighter sentence, although she subsequently made a statement saying that her sentence was "deserved".

An appeal trial started in the case of Tazhimuratov and co-defendants at the Supreme Court in early May 2023. On 1 June, the Supreme Court ruled to leave Tazhimuratov's 16 year sentence unchanged, although the sentences of some of his co-defendants<sup>4</sup> were reduced, and some people were released from the courtroom. The terms of imprisonment of Dauletmurat Dzhimuratov, Nurlan Nayipov, Razbek Bekmuratov, Sultanbek Kaipov, Allabay Tokimbetov and Amirbek Adilbekov were reduced. The court refused to satisfy the prosecutor's request to change the sentences of restriction of liberty to prison terms in relation to Lolagul Kallykhanova, Azamat Turdanov, Akhmet Smetullaev and Azamat Nuratdinov.

On 17 March 2023, Bukhara Regional Court sentenced a second group of 39 defendants to lengthy prison terms related to the Karakalpakstan events following a trial that did not meet

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<sup>4</sup> Bakhtiyar Kadirbergenov; Bayram Seitniyazov; Saidabulla Medetov; Kaharman Seitimov; Polat Nurniyazov; Saiypnazar Kalimov; Nurlan Sultanmuratov; And Arsylanbek Temirkhanov

international fair trial standards and that was marred by allegations of torture. They were charged with offences including vandalism, rioting and disseminating materials posing a threat to public order. Twenty-eight of them, including lawyer **Oralbai Dosnazarov** and businessman **Omirbek Kurbanov**, were sentenced to prison terms of between five and 11 years. Eleven were given restricted freedom sentences. According to civil society sources, only three defendants were represented by a lawyer of their own choice. According to civil society monitors, four defendants had cuts on their arms that appeared to originate either from suicide attempts or torture.

All defendants in both trials and their relatives were required to sign non-disclosure agreements, forbidding them from discussing their cases with human rights and international organisations. There are allegations that two more trials are underway in relation to the Karakalpakstan protests.

### **Recommendations:**

- Express concern at allegations that the trials against protesters from Karakalpakstan did not meet international fair trial standards and call for fair and transparent retrials.

In addition, urge the Uzbekistani authorities to:

- Allow an independent investigation, including independent national and international experts, into the killings and allegations of torture in connection with the June 2022 protests in Karakalpakstan and bring the perpetrators to justice in fair proceedings.
- Impartially, thoroughly and independently investigate credible allegations that **Dauletmurat Tazhimuratov** and others linked to the mass protests in Karakalpakstan were subjected to torture and other forms of ill-treatment; bring those reasonably suspected of being responsible to justice; and ensure redress for the victims.

## **Freedom of expression and the media**

In 2019 and 2020, President Mirziyoyev publicly encouraged more critical media reporting. In his message to Parliament on 29 December 2020, he, for example, said: "Of course, many local officials don't like challenging and critical materials, they disturb their calm and carefree existence. But transparency and freedom of speech – that is what is called for today, it's what the reforms in Uzbekistan demand." This initially raised hopes for reform and free speech, and independent journalism and blogging began to flourish. However, in recent years numerous journalists and bloggers have come under pressure for speaking out about

corruption and other issues considered sensitive by the authorities. Several bloggers have faced persecution and prosecution for alleged slander, extortion and fraud, in trials which failed to present sound material evidence of the alleged crimes committed.<sup>5</sup>

We are concerned that the **Criminal Code of Uzbekistan carries sanctions for slander (Article 139) and insult (Article 140), in violation of the country's international human rights obligations.** Insulting the president is punishable by five years' imprisonment under Article 158, part 3 of the Criminal Code although international human rights standards clearly stipulate that public officials should be prepared to tolerate more, rather than less, criticism, given the importance of allowing effective public scrutiny of government actions. Although the Administrative Code also includes punishment for defamation, critical bloggers are typically charged under the Criminal Code.

**Amendments to the Law on Informatisation**, adopted in March 2021 provide further tools for the authorities to clamp down on government critics. The amendments stipulate that the owners of online resources, including bloggers, must ensure that their platforms are not used for the dissemination of "knowingly false" or "defamatory" information, or other information defined as impermissible in vaguely-worded language. The failure to promptly remove such information can result in restrictions for the online resources in question.

## **JOURNALISTS AND BLOGGERS TARGETED**

Several bloggers who have been convicted on criminal charges initiated in apparent retaliation for their posts on issues considered sensitive by the authorities are currently serving imprisonment or are subjected to other limitations of liberty.

For example, in January 2021, blogger **Otabek Sattoriy** was detained and in May 2021 he was sentenced to six and a half years' imprisonment on trumped up charges of libel and extortion, in retaliation for his criticism of corruption of local officials. In April 2023, the blogger was denied a transfer to a penal settlement close to his home and with less harsh prison conditions, after being found guilty of violating prison rules, charges that are believed to be politically motivated and part of a campaign of pressure against the blogger and his family.<sup>6</sup> Following IPHR's public statement on his transfer denial, Sattoriy was pressured by officials, including a lawyer from the Ombudsman's Office, to refuse support from international human rights organisations, and to refuse the services of his defence lawyer, Shovkat Ergashev. The blogger's relatives were also allegedly put under pressure. In an Opinion published in February 2023, the United Nations (UN) Working Group on Arbitrary

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<sup>5</sup> Further information: <https://civicus.org/documents/UzbekistanCountryBrief.pdf>

<sup>6</sup> <https://www.iphronline.org/uzbekistan-otabek-sattoriy-denied-transfer.html>

Detention called on Uzbekistan to “release Mr. Sattoriy immediately and accord him an enforceable right to compensation and other reparations”.<sup>7</sup>

In September 2021, blogger **Miraziz Bazarov** was charged with slander and, in January 2022, sentenced to three years’ restriction of liberty, which includes the prohibition to leave his house between 8pm and the early morning and to use the internet. The court punished him for his social media posts about the government’s use of COVID-19 related loans and alleged double standards amongst officials in relation to LGBT people. On 19 May 2023, as Bazarov was taking out rubbish from his house, two or three people in civilian clothes grabbed him and tried to push him into a car. As he did not know who these people were, he resisted, and in the struggle lost both his shoes and glasses. Eventually someone told him that the people trying to abduct him were from Tashkent City Police, and he was taken away to an unknown location and his whereabouts were unknown for several hours. He was held for several hours at the police station and beaten during this time by officials, and was also subjected to torture and ill-treatment which left him with bruises. One police official threatened to cut his throat and pinched his waist with a carpenter’s tool, as shown by photo evidence. Lawyer Sergey Mayorov, who represents Miraziz Bazarov, filed a complaint about bringing to criminal responsibility the persons involved in the torture of Bazarov.

In February 2022, another blogger, **Sobirjon Babaniyazov** was sentenced to three years’ imprisonment for allegedly insulting President Mirziyoyev, an offence punishable under Article 158 of the Criminal Code of Uzbekistan. His conviction was issued in clear violation of the right to freedom of expression.

Independent journalist, human rights activist and former political prisoner **Aziz Yusupov** was arrested in September 2022 shortly before he was due to attend the Human Dimension Implementation Meeting of the Organization for Security and Co-operation in Europe in Warsaw, in an apparent attempt to prevent him from attending. Yusupov was subsequently charged with the possession of drugs and reportedly forced to make a video-filmed “confession” under duress. In December 2022, he was sentenced to five years of restriction of freedom – a non-custodial sentence - and released; however, the conditions of the sentence are harsh and prevent him from continuing human rights work. He is prohibited from attending public events and using the internet, and his contacts with others are restricted.

In February 2023, blogger **Abdukadyr Muminov** was detained on charges of blackmail and extortion. His supporters allege that he was targeted because of his public criticism of the authorities. Muminov’s family was not allowed to visit him in the first weeks of his detention

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<sup>7</sup> Further information: <https://www.iphronline.org/uzbekistan-overturn-the-unfounded-criminal-sentence-againstblogger-otabek-sattoriy-and-release-him.html>

and he was reportedly not given permission to choose his own lawyer for several weeks. Even though the investigation is still underway in Muminov's case, the police investigator in charge of the case has stated publicly that the blogger will be imprisoned, which violates the principle of presumption of innocence. Since his mother Sabodat Abdullayeva spoke about his case with Radio Ozodlik, human rights activists and diplomats, she reports to have been put under surveillance. At the time of writing, the blogger is being held in a detention facility in Zangiata, Tashkent region, and his relatives have not been able to see him and have no reliable information about his state of health. The police investigator has reportedly refused to let his mother visit him, and she wrote a complaint to the Prosecutor's office, only to receive the answer that it is the police investigator who decides who receives visits or not. A parcel sent by the family was returned to them. The investigation against him is believed to be ongoing at the time of writing.

On 17 December 2022, 60-year-old blogger **Shahida Salomova** who frequently posted criticism of government officials and provided free legal advice to victims of evictions, published a photo of the President and his relatives on her Telegram account, accusing them of corruption and nepotism. On 18 December, she posted a picture of the President's son-in-law Otabek Umarov with a woman she described as his second (unofficial) wife. Just a few hours later, police reportedly stormed into her apartment and arrested her. Formally, the arrest was based on a complaint submitted by another blogger in May 2022 who alleged that Salomova had insulted him, but civil society sources believe that the authorities used the complaint to silence her. During the first days of her detention her lawyers were not given permission to visit her and she was reportedly given a state-appointed lawyer instead. The court ruled to place her in a psychiatric hospital. However, there has been no reliable information about her whereabouts since mid-April 2023, as it is believed that Shahida's relatives are under strict pressure not to share any information about her current situation.

On 15 May 2023, blogger **Otabek Kodirov** (who blogs under the name Kholid Kodir), and is known for his assessments of the progress of legal reforms in Uzbekistan was arrested. Kodirov was charged under criminal code articles 156 "Inciting national, racial, ethnic or religious hatred", and 158 "Infringement on the President of the Republic of Uzbekistan". Kodirov's criticism of the President Mirziyoyev includes comparisons with dictatorship, which impedes the development of the political opposition parties, the human rights movement, as well as concerns of corruption and nepotism and disregard for social and economic rights. He has spoken out on Radio Ozodlyk about such issues. Kodirov, who works in Russia as a labour migrant, recently returned to Uzbekistan to the city of Shakrisabs, in order to receive a new passport. After writing an online complaint to the Presidential complaints portal regarding delay in receiving a new passport, he was subjected to surveillance, and arrested on 15 May 2023. He remains without access to a lawyer at the time of writing. His family are also reported to be under pressure from local security services.

Most recently, on 27 May 2023, blogger **Elmurod Odilov** was detained for filming a meeting between the deputy head of the Yakkabag district, Kashkadarya region, and farmers at a silk cocoon warehouse. According to the Kashkadarya Department of Internal Affairs, Odilov "interfered with the work of farmers and insulted them." According to non-governmental sources, the blogger was trying to draw attention to the deputy head's orders to youth leaders to enlist young men for a month's contracted military service, threatening that those who did not do so would be fired. Odilov was reportedly severely beaten by police officials and, according to eyewitnesses, his phone was broken. Based on court sanction, he was arrested for 15 days under Article 183 ("Petty hooliganism") and Article 198 ("Failure to comply with legal requirements or obstruction of the performance of official duties of a representative of authority") of the Code of Administrative Responsibility of Uzbekistan.<sup>8</sup>

There have also been incidents when authorities have interfered with the work of journalists working for international media outlets. **Agnieszka Pikulicka**, correspondent for The Guardian, Al Jazeera and other media outlets and author of many articles about human rights violations in Uzbekistan, was subjected to harassment by an official of Uzbekistan Ministry of Foreign Affairs when she attempted to renew her journalistic accreditation in Uzbekistan. The Ministry later apologised to her for the official's behaviour, but in November 2021, Pikulicka was banned from entering Uzbekistan and prevented from continuing her work in the country.

## **RESTRICTED ACCESS TO INTERNET**

In recent years, the government has frequently used internet shutdowns, blocking and disabling websites, social media platforms and internet messengers in order to silence critical voices. To date, many sites of international human rights organisations are not accessible, especially the Russian or Uzbek pages. The authorities typically clamp down on access to information and media freedom during times of heightened security concerns, e.g. Presidential elections and the unrest in Karakalpakstan.

Under the pretext of protecting personal data, the state exercises close control over Internet users. Media reported in May 2021 that, according to the Director of the State Personalisation Centre, the authorities are ensuring the collection and storage of personal data and that social networks which operate from abroad have been notified of the need to comply with legal requirements, which provide for legal or administrative penalties for those who fail to comply.<sup>9</sup>

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<sup>8</sup> <https://rus.ozodlik.org/a/32432549.html>

<sup>9</sup> The Law "On Personal Data" which entered into force in April 2021 provides that social networks and Internet companies shall ensure collection and storage of personal data in databases in Uzbekistan and recorded on the



## Recommendations:

- Express concern at allegations that bloggers **Otabek Sattoriy**, **Miraziz Bazarov**, **Abdukadyr Muminov**, **Sobirjon Babaniyazov**, **Shahida Salomova**, **Elmurod Odil**, and journalist and human rights defender **Aziz Yusupov** were targeted to punish them for peacefully exercising their right to freedom of expression; ensure that all charges are dropped and that they are released unconditionally.

In addition, urge the Uzbekistani authorities to:

- Immediately release blogger **Otabek Sattoriy** and accord him an enforceable right to compensation and other reparations, in line with Opinion 83/2022 of the UN Working Group on Arbitrary Detention.
- Promptly and unconditionally release **Sobirjon Babaniyazov**, who was convicted to imprisonment under Article 158, solely to punish him for peacefully exercising his right to freedom of expression.
- Enquire about the state of health and whereabouts of blogger **Abdukadyr Muminov** and urge the authorities to allow him to see his relatives and receive parcels.
- Ensure that bloggers and journalists can go about their peaceful activities without interference.
- Abolish criminal punishment for slander and insult (Articles 139, 140 and 158, part 3 of the Criminal Code).
- Amend the Law on Informatisation to ensure that it is not used to curtail freedom of expression.
- Refrain from imposing Internet shutdowns and cease the arbitrary blocking and disabling of websites, social media platforms and mobile phone messengers.
- Ensure that those who were imprisoned for peacefully exercising their right to freedom of expression in the past are granted rehabilitation.

## Human rights defenders, civil society

The operating space for civil society remains seriously restricted. The process of registering new NGOs remains fraught with difficulties, and the groups that manage to get registered are mainly those which work in humanitarian fields. While the human rights group Democracy and Law was finally registered in 2022 after many prior attempts, several other

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State Register of personal data when processing personal data of Uzbekistan citizens using the Internet. A similar policy in the Russian Federation led to the US company Meta Platforms Inc. being declared an extremist organisation and banned for not cooperating with Russian state agencies.

independent human rights NGOs continue to be denied registration on grounds that appear politically-motivated.

In September 2022, human rights activist **Nikolay Kungurov** was able to register the human rights organisation Democracy and Law, which he had been trying to do since June 2003. After exhausting national remedies, a complaint was sent to the UN Human Rights Committee (HRC) in 2006, which concluded in September 2011 that the refusal to register Democracy and Law violated Kungurov's freedoms of association and expression. It took another 11 years before the NGO was registered. By law, the National Human Rights Centre (NCHR) would have been responsible for submitting the conclusions of the HRC to the Supreme Court for consideration, but, according to Kungurov, this was not done. However, in September 2022, Kungurov's application to register Democracy and Law was finally approved.

Human rights defender and former political prisoner **Agzam Turgunov** has received 11 rejections since 2019 when attempting to register the NGO Human Rights House, with the Ministry of Justice referring to alleged minor technical mistakes in the application. Even the involvement of well-known lawyer Sergey Mayorov did not help to overcome the obstacles to registration. In 2022, Turgunov was further subjected to harassment and intimidation by state officials.<sup>10</sup>

NGOs are subject to excessive reporting requirements and restrictions on their activities and access to funding. A government resolution adopted in June 2022 further increased state interference into NGO activities by introducing a new mechanism for state approval of foreign grants received by NGOs and compulsory partnership with state agencies on the implementation of foreign funded projects.

### **Recommendations to the Uzbekistani authorities:**

- Build an enabling environment for civil society and swiftly register the independent civil society group Human Rights House and other peaceful civil society groups seeking registration in Uzbekistan.
- Rescind the resolution on NGO activities from June 2022 which imposes restrictions on NGOs receiving foreign funding.

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<sup>10</sup> Further information <https://www.iphronline.org/agzam-turgunov.html>

## Torture and ill-treatment

President Mirziyoyev's stated promises to address the root causes of torture have led to the adoption of some positive measures. For example, legislation was introduced stipulating that evidence obtained under torture is not admissible in court and that medical examinations for prisoners are conducted after transfers from pre-trial detention to prisons, to check for signs of torture.

However, these legal safeguards are not implemented consistently and our monitoring has not found any cases where investigations have been opened into torture, based on injuries detected through the newly introduced medical examinations. Cases of torture still occur and are typically not properly investigated by the authorities. Moreover, detainees often refrain from lodging complaints for fear of reprisals or because they do not believe that they can attain justice through the criminal justice system. To the knowledge of the authors of this briefing, no victim of torture in Uzbekistan has been granted compensation for moral damages in recent years.

The case of **Alexander Trofimov**, arrested in 2021 on suspicion of stealing money from a safe in Tashkent and allegedly tortured in a Tashkent prison, including by being beaten with truncheons on the site of a previous skull fracture, particularly illustrates the continued inability of the judicial system to impartially investigate cases of torture and bring the perpetrators to account. See more on this case in Annex 1. We would be grateful if you could raise this case with the Uzbekistani authorities.

### TORTURE, ILL-TREATMENT, AND SEXUAL ABUSE IN PRISONS

Prisoners convicted of espionage, other anti-state offences or affiliation with banned religious groups are at particular risk of torture and ill-treatment in prisons. Former prisoners and prisoners' relatives report frequent beatings and sexual and other abuse by prison guards and other prisoners.

Former prisoners and torture survivors have alleged that rape and sexual assault are used deliberately to break the will of devout Muslim men and women, but are also used against secular prisoners. As rape victims or suspected rape victims, these prisoners would automatically be considered "untouchables" in the prison system, reportedly the lowest category in the prison hierarchy, vulnerable to systematic abuse by both other prisoners and prison staff.

Former diplomat **Kadyr Yusupov**, who is serving imprisonment for “treason” based on a statement he made during a psychotic episode in 2018 when in hospital following a failed suicide attempt, was attacked by fellow prisoners in September and October 2021. Despite calls for his immediate release from the UN Working Group on Arbitrary Detention in May 2021, he remains in prison.

## **WOMEN’S PRISON COLONY IN ZANGIOTA DISTRICT**

Human rights defenders who monitored the prison colony in the Zangiota District of Tashkent reported that pregnant women do not receive adequate care; are not given sufficient food and are forced to work, including heavy work, until they give birth in order to buy basic necessities and groceries. They are not given any maternity leave.

Several women prisoners reported that during the first 12 weeks of pregnancy prison staff put pressure on prisoners to terminate their pregnancies. Former prisoners reported that many women are infected with Hepatitis C or HIV during pregnancy and after delivery because of the poor hygiene standards in the prison hospital (repeated use of non-sterilized utensils, etc). Women reported that there were frequent cases of prison staff beating their children, and that they saw their children with bruises on their bodies.

### **Recommendations to the Uzbekistani authorities:**

- Re-Initiate prompt, thorough, impartial and independent investigations into the allegations of torture in the case of **Alexander Trofimov** and all other credible reports of torture and other forms of ill-treatment; and bring the perpetrators to justice in fair proceedings.
- Set up a genuinely independent mechanism which is appropriately resourced and authorized to receive complaints and investigate allegations of torture and ill-treatment or establish a special division under the Prosecutor General’s Office that is tasked solely with carrying out thorough and independent investigations into such allegations.
- Ensure that victims of human rights violations are provided with access to justice and the right to an effective remedy and reparation, including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation where necessary, the truth about what happened, as well as effective guarantees of non-repetition.
- Promptly release former diplomat **Kadyr Yusupov** from prison, in line with the Opinion of the UN Working Group on Arbitrary Detention, issued in May 2021, which found his detention to be arbitrary.

- Ensure that pregnant women and young mothers serving prison receive appropriate and free food and medical care in sanitary conditions; are granted maternity leave from work; do not have to carry out inappropriate heavy work; are encouraged to breastfeed their babies and provided with appropriate conditions to do so.

## Domestic violence

The authorities have introduced positive steps in recent years, which should be built upon to strengthen the protection of women against domestic violence.

Article 3 of the 2019 Law on the Protection of Women from Harassment and Violence provides broad, unclear definitions of harassment, and fails to define domestic violence, although it refers to psychological, economic and sexual violence. A 4 January 2020 Cabinet of Ministers resolution “On measures to improve the system of protecting women from oppression and violence”, introduced procedures for protection orders.

In 2022, a parliamentary Inter-Agency Working Group (IAWG) of state and civil society representatives reviewed proposed amendments to legislation including the Criminal Code, the Administrative Code and the Law on Guarantees of the Rights of the Child. The draft law on legislative amendments was submitted to Parliament in February, but failed to take into account all IAWG recommendations. In March 2023, the media announced that the draft law had been adopted. On 6 April, Uzbekistan’s senate approved the draft law, which was then signed by President Miziyoyev on 11 April.<sup>11</sup>

The amendments to the Criminal Code include the introduction a new Article 126 (1) which criminalizes physical, psychological and economic domestic violence; harsher penalties for sexual coercion; rape and violent sexual assault of a person under 18; sexual relations with a child under 16 (even if the perpetrator is not aware of the age); facilitating prostitution etc. The new law does not however exclude reconciliation between perpetrator and victim in cases of coercion into sexual relations or marriage or illegal deprivation of liberty (around 80 per cent of cases end in reconciliation); nor increase protection to children under 18 against lewd acts; nor does it specifically criminalize child exploitation through prostitution or grooming.

In addition, existing legal safeguards are not consistently implemented, e.g. the Law on Protection of Women provides that a victim of psychological, physical, sexual and economic

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<sup>11</sup> <https://lex.uz/uz/docs/-6430272>

violence can receive free legal advice,<sup>12</sup> but mechanisms have not been put in place to enable women to access this right. As a result, most victims of domestic violence are unable to access legal support as they are financially dependent on their spouses. Victims of domestic violence also suffer from inadequate emergency assistance, insufficient numbers of shelters and funding for hotlines, as well as a lack of trained social workers and psychologists.

Human rights groups in Uzbekistan report that issues of domestic violence are especially prevalent in families with disabilities. In this regard, disabled people are a particularly vulnerable group that suffer exclusion from communities and lack the knowledge of their rights and of the mechanisms in place.

Deep rooted patriarchal attitudes and stereotypes about gender roles, including discourses of shame and the idea that issues of domestic violence should remain a private affair, persist in Uzbekistan amongst the population, as well as amongst officials. Despite efforts by some, government representatives have failed to communicate a consistent public message of zero tolerance of domestic violence and state media has continued to perpetuate gender disparity and stereotypes which reinforce the idea that women and girls should be “controlled”. This contributes to a culture of silence and violence, and a general climate of impunity for the perpetrators of domestic violence.

### **Recommendations to the Uzbekistani authorities:**

- Ensure that an article criminalizing all forms of domestic violence including psychological violence, economic and sexual violence is included in the final draft of the Criminal Code and that it specifically addresses the ongoing, controlling and coercive nature of domestic violence.
- Amend the Criminal Procedural Code to stipulate that incidents of domestic violence should, in all cases, be investigated through public prosecution instead of through private prosecution and that a victim of domestic violence is not responsible for instigating criminal proceedings.
- Ensure in practice that all victims of domestic violence can access free legal aid and emergency assistance.

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<sup>12</sup> <https://www.lex.uz/docs/4494712#4496299>

## Persecution and torture of LGBT persons

Apart from Turkmenistan, Uzbekistan is the only former Soviet country that has not decriminalised homosexuality. Article 120 of the Criminal Code of Uzbekistan punishes consensual sexual relations between men by up to three years' imprisonment.

UN bodies have repeatedly called on Uzbekistan to decriminalize homosexuality<sup>13</sup> and on 15 March 2023, UN High Commissioner for Human Rights Volker Türk stated after visiting Uzbekistan that in discussions with government officials he had “encouraged legislation to decriminalise same-sex relations, in line with (Uzbekistan’s) international human rights standards.”

According to a letter, dated February 2022, from the governmental NCHR to IPHR, 36 persons were convicted under Article 120 in 2021. Many more people live under the looming threat of Article 120 in their daily lives. In 2022, research by IPHR, AHRCA and partners additionally demonstrated that in Uzbekistan lesbians, gays, bisexual and trans people (LGBT) continue to be at constant risk of torture, ill-treatment, intimidation, humiliation and extortion, without any recourse to justice.<sup>14</sup>

The draft Criminal Code published by the Prosecutor General’s Office on 22 February 2021 retains criminal punishment for consensual sex between men, and leaves its wording unchanged. The crime was moved from Article 120 in the current Criminal Code to Article 154 in the new chapter of the draft Code entitled “Crimes against family, children and morality”. At the time of writing, the draft Criminal Code is still under consideration.

In 2010, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pointed out that “public health policies regarding the HIV/AIDS epidemic clearly demonstrate that decriminalisation of homosexuality, coupled with efforts to fight against LGBT discrimination, constitute a substantial tool to halt the spread of the virus.”

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<sup>13</sup> The UN Committee against Torture (CAT), the HRC and the CESCR issued conclusions in January 2020, April 2020 and March 2022 respectively, raising concern about the criminalization of consensual same-sex relations between men and about continuing reports of human rights violations against LGBT people by state and nonstate actors, including discrimination, harassment, torture and ill-treatment in detention, as well as impunity for the perpetrators of such abuses. The Committees called on Uzbekistan to repeal Article 120 of the Criminal Code and to adopt comprehensive anti-discrimination legislation. The CAT and the HRC additionally urged Uzbekistan to effectively investigate allegations of torture and other forms of abuse; bring the perpetrators to justice; and combat social stigmatization, harassment, hate speech, discrimination or violence based on a person’s sexual orientation or gender identity.

<sup>14</sup> See: <https://www.iphronline.org/uzb-gbt-2022.html>

The Uzbekistan government holds a different view. “The decriminalisation of homosexuality has not been considered owing to the pressing need to combat the spread of HIV”, was the blunt answer that the government of Uzbekistan gave to the UN Committee on Economic, Social and Cultural Rights (CESCR) in September 2020 when asked to describe what steps the government had taken to combat discrimination against LGBT and to decriminalise homosexuality.

### **Recommendation to the Uzbekistani authorities:**

- Decriminalize consensual sexual relations between men and women and swiftly and unconditionally release and rehabilitate all those convicted under Article 120.

## **Forced evictions**

In March 2022, the CESCR noted in its Concluding Observations that it “regrets the reports about the expropriation of property, demolition of houses and forced eviction in light of urban development projects”. It is also concerned about reports on the non-compliance with the national legal framework on property deprivation, especially the absence of prior consultation with the affected residents and lack or inadequacy of compensation and alternative housing (art.11).

IPHR and partners have documented dozens of cases throughout Uzbekistan when homeowners were forcibly evicted from their properties, not under exceptional circumstances but for private investment and so-called embellishment projects. In many cases the private enterprises and investors involved were reportedly supported by local authorities. From Tashkent alone, our organisations have received more than 30 appeals from victims.

Often no genuine consultations were held and those at risk of eviction were not given appropriate advance notice about the timing of the eviction. Typically, those affected have no access to free legal aid. In many cases courts have held proceedings without notifying those affected and have issued decisions without their participation in the proceedings. Court rulings have sometimes disregarded existing legal safeguards against forced evictions. Many victims stated that they did not receive fair and adequate compensation and were unable to buy equivalent standard premises in the same area for the compensation offered. Non-material values were not considered (children’s schools, family ties).

Forced evictions have often been carried out in a disrespectful and sometimes aggressive manner. They have been carried out in winter, at weekends and on special family occasions.



In some cases, bulldozers began destroying uninhabited parts of a house in order to force out the remaining inhabitants; or while the homeowner was outside the country. During one eviction a homeowner was hospitalised and later died in hospital. In some cases, desperate, traumatised people set themselves on fire in protest at the evictions.

Before January 2020, eviction procedures were initiated by a mayoral (hokim) decision to allocate land to a legal entity “to develop infrastructure.” According to Ministerial decree no. 54, the authorities had to check that certain criteria were fulfilled, including whether property owners gave their consent. However, in practice, mayors’ decisions were frequently issued without these checks. Furthermore, according to Article 10 of the Law on Local State Authorities, decisions of the hokims on seizure of land plots must be approved by the Council of People’s Deputies (Kengash), which is often ignored by the hokims.<sup>15</sup> According to Uzbekistani human rights activists, there is a complicity of corrupt officials in the executive and judicial branches of government, as well as the Prosecutor’s Office, who do not act to protect the rights and interests of ordinary citizens, as provided in the Constitution and other legislative acts of Uzbekistan, but in giving illegal advantages to private developers.

On 1 January 2020, a new Ministerial decree (no. 911) came into force on the “expropriation of land”, introducing “investment projects” as grounds for eviction in addition to “public and state needs”. This legalisation of evictions to carry out private investment projects contradicts international standards. The decree states that the evictor can force up to 25 percent of owners to sell their property if an agreement is reached with the other 75 per cent. On 2 July 2021, the Constitutional Court ruled this provision was constitutional because “compensation is determined by the court”. The decree and subsequently adopted legislation also included some legal safeguards for homeowners, but human rights lawyers stated that it is too early to fully assess the effects of the new legislation and further monitoring is required. In the meantime, IPHR continued to receive reports of forced evictions, albeit on a smaller scale than before 2020. (see the case of Olga Abdullaeva in Annex 2).

### **Recommendations to the Uzbekistani authorities:**

- Restore justice to all who have been subjected to forced evictions/ demolitions.
- Carry out evictions only as a last resort, once all other feasible alternatives have been explored in compliance with international standards, inter alia to carry out genuine consultation with the people affected, give reasonable notice, making all plans transparent and informing all those affected, providing alternative housing, compensation and access to legal support.
- Comply with international commitments, including those to the right to private property under the framework of the EU GSP+ trade scheme.

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<sup>15</sup> Further information: <https://www.iphronline.org/forced-evictions-in-uzbekistan.html>

## **CASE ANNEX**

### **Annex 1.**

#### **THE CASE OF ALEXANDER TROFIMOV**

The case of Alexander Trofimov illustrates the continued inability of the judicial system to impartially investigate cases of torture and bring the perpetrators to account.

In May 2021, Alexander Trofimov, a 29-year-old father of two, was arrested on suspicion of stealing money from a safe belonging to a company in Tashkent. There were credible allegations that police tortured him at Chilanzar District Police station in Tashkent. Trofimov alleges that the officers put a plastic bag over his head; kicked him; hit him with truncheons; punched him on the head, body and legs; forced him to do the splits; and took turns to jump on his back while he was handcuffed. Reportedly, he was repeatedly hit on the site of a previous skull fracture, despite begging officers not to, causing him to suffer severe pain for several days after.

Trofimov's mother lodged complaints with government agencies about the abuse of her son in custody and in June 2021, the Prosecutor General's Office informed her that it had taken the case "under control". However, as the authorities failed to immediately conduct a prompt and thorough investigation into Trofimov's allegations of torture, it is likely that important evidence was lost. The alleged perpetrators have not been brought to justice. Trofimov and his mother have maintained that the police officers who accompanied him to the remand hearing in May 2021 are the same men who subjected him to torture.

In August 2021, Trofimov was released under the personal guarantee of his mother. Shortly afterwards they went to an independent medical clinic where doctors took an x-ray of his ribs and found a possible trace of a fracture. Trofimov's mother told IPHR that the investigating authorities did not include the medical conclusion in her son's case file.

On 2 October 2021, the Prosecutor's Office of Chilanzar District decided that there is no evidence to warrant instigating a criminal case and conduct a thorough investigation into the allegations of torture. The Yakkasaray District Prosecutor's Office confirmed this decision in November 2022, but the family was only made aware of this development on 20 February 2023. Yakkasaray District Prosecutor's Office argued that although injuries were found on Trofimov's body during his detention at Chilanzar District Police, they could have been self-inflicted or resulted from a fall, and that officers of the Chilanzar District Police had confirmed this version. Although the police officers had a clear self-interest in denying police abuse and although the Prosecutor's argumentation does not prove that Trofimov was not tortured, the Prosecutor's Office did not find it necessary to investigate further.

After Trofimov's lawyer had repeatedly lodged complaints with the Prosecutor General's Office of Uzbekistan, Chilanzar Prosecutor's Office ordered a CT scan of Trofimov's chest on 8 May 2022, which found fractures on his 11th and 12th ribs.

As the perpetrators of torture remain at large, Trofimov's lawyer, as well as human rights organisations, are renewing calls for a criminal investigation under Article 235 of the Criminal

Code (“torture”) and award compensation to Trofimov for the physical and moral harm he suffered at the hands of law enforcement officials.

According to her, Yakasavskaya Prosecutor's Office twice refused to open a criminal case and although the latest refusal was issued on 7 November 2022, Galina Trofimova was not informed about it until February 2023. In addition, the independent forensic conclusions were not included in the case file, meaning that the stronger grounds showing the injuries sustained from torture were not included in the case.

Galina Trofimova also stated that the authorities had asked her to sign stating that she had no complaints after her son was released from detention, however she realised what the authorities were doing and refused to sign. The criminal case for theft against Aleksander has been filed for the moment but it could be reopened at any time.

## **Annex 2.**

### **THE CASE OF OLGA ABDULLAYEVA**

Olga Abdullayeva has now exhausted all legal remedies and is in imminent danger of forced eviction. In this regard, the intervention of the international community and authoritative public and political figures is extremely important.

In 2018, Olga Abdullaeva and her family learned that their privately owned apartment in Tashkent was to be demolished because the property had been allocated to a private company. In taking this decision, the mayor (Khokim) of Tashkent exceeded his authority by taking a decision contrary to existing safeguards to protect private property.<sup>16</sup> As one of the first victims of illegal demolitions and defending her interests, she began to blog about her fight on her Facebook page and describe each stage, making suggestions to other people in a similar situation. Abdullayeva filed a cassation appeal which was finally rejected by the Supreme Court on 10 February 2023, although the court ruled that she should receive adequate compensation.

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<sup>16</sup> National law stipulates that in cases of land allocation and demolition of houses the owner must be consulted and give their consent. Ministerial Decree No. 54 lays out a checklist for authorities for the fulfilment of certain criteria, including consulting the owner of the property.

The hearing was marked by numerous procedural violations, including the Supreme Court's referral to non-legal acts as the basis for its decision; the Supreme Court's failure to consider the argument that the municipality's decision was unlawful because the owner's opinion was not sought beforehand; the Supreme Court's rejection of Abdullayeva's claim that her property was not initially included in the allocated area to "Training Project" but was later unlawfully added; and the Supreme Court's disregard of a letter from the Ministry of Justice which stated that the allocation of land to "Training Project" was made without legal permission.<sup>17</sup>

This case illustrates the arbitrary and illegal nature of court decisions to annul the registration of private property rights and seizure of private property, the dependence of the judiciary on local power structures, intimidating means used by powerful companies to pressure owners of apartments to sell against their will, unfair trials when people try to defend their right to own property.

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<sup>17</sup> Further information on this case: <https://www.iphronline.org/forced-evictions-in-uzbekistan.html>