

## **Uzbekistan (for 8 November 2023)**

### **Submission to the United Nations Universal Periodic Review (44th session of the UPR Working Group)**

*Updated version, August 2023*

**KARAKALPAKSTAN PROTESTS – FREEDOM OF EXPRESSION AND THE MEDIA –  
HUMAN RIGHTS DEFENDERS, CIVIL SOCIETY AND LAWYERS – TORTURE AND ILL-  
TREATMENT – DOMESTIC VIOLENCE – LGBT – FORCED EVICTIONS**

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# Introduction

This document was produced by Association for Human Rights in Central Asia (AHRCA) and International Partnership for Human Rights (IPHR) ahead of the Universal Periodic Review of Uzbekistan, scheduled for 8 November 2023 during the 44th session of the Working Group.

AHRCA is an independent human rights organisation founded by émigrés in 2006 and based in France. Through a network of contacts in Central Asia, AHRCA monitors the human rights situation, documents violations, and conducts international advocacy. IPHR is a non-profit organisation founded in Brussels in 2008, with a mandate to support local civil society groups in their work to eradicate violations of human rights and help their concerns be heard at the international level.

The submission covers key developments regarding freedom of expression and the media; human rights defenders, civil society, and lawyers; torture and ill-treatment; rehabilitation; domestic violence; LGBT; and forced evictions. At the end of the report, you find suggested recommendations to the government of Uzbekistan on the topics and human rights concerns featured in the main part of the report.

## Human rights violations related to the 2022 Karakalpakstan protests

Thousands of people gathered in the Republic of Karakalpakstan in western Uzbekistan on 1-2 July 2022 to peacefully protest against proposed constitutional amendments, which would have deprived the Republic of its sovereignty and right to secede from Uzbekistan. The authorities reportedly used force to disperse protesters in the capital Nukus and other cities in the Republic, including with water cannons, rubber bullets, stun grenades and smoke bombs. Clashes between police and demonstrators were reported. Videos circulating on social media showed numerous people, who appear to be dead or badly injured lying on the pavement.

On 18 July 2022, media reported the Prosecutor General's Office of Uzbekistan as saying that 21 people died and over 270 required medical assistance in connection with the protests. However, the exact number of 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 provided comprehensive information about the circumstances of their deaths. To date, nobody has been charged specifically with responsibility for the killings and the investigation into the Karakalpakstan events has been shrouded in secrecy.

The Uzbekistani authorities 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. Internet access in Karakalpakstan today remains weak and unreliable.

Over 500 people were detained in connection with the protests. AHRCA and IPHR are seriously concerned about 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 and to ensure accountability.<sup>1</sup>

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. It 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 an 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 for 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. Another 14 defendants were sentenced to prison terms of up to eight and a half 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 5 June, the Supreme Court ruled to leave Tazhimuratov's 16 year sentence unchanged, although the sentences of some of his co-defendants<sup>2</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. They were charged with offences including vandalism, rioting and disseminating materials

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<sup>1</sup> Further information: <https://www.iphronline.org/uzbekistan-karakalpakstan.html>

<sup>2</sup> Bakhtiyar Kadirbergenov; Bayram Seitniyazov; Saidabulla Medetov; Kaharman Seitimov; Polat Nurniyazov; Saiypnazar Kalimov; Nurlan Sultanmuratov; And Arsylyanbek Temirkhanov

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. Several of the defendants' relatives reportedly sold their houses or other property before the verdicts were announced to cover the costs of the alleged damage caused by the actions of which they were accused. Reportedly, state-appointed lawyers had urged them to do so for the defendants to receive lighter sentences. 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.

## 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, for example, he 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 hope for reform and free speech, and independent journalism and blogging began to flourish.

In Uzbekistan, the Criminal Code carries sanctions for slander (Article 139) and insult (Article 140), in violation of the country's obligations under international human rights law. 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. Disseminating "false" information about COVID-19 and other infectious diseases carries a penalty of up to three years' imprisonment. Although the Administrative Code also includes punishment for defamation, critical bloggers are typically charged under the Criminal Code.

We are also concerned that **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

Dozens of journalists and bloggers have come under pressure from the authorities due to their criticism of the authorities in recent years.<sup>3</sup> Several bloggers were convicted on criminal charges initiated in apparent retaliation for their posts on issues considered sensitive by the authorities.

For example, blogger Miraziz Bazarov was charged with slander and, in January 2022, sentenced to three years' restriction of liberty 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. Since then, Bazarov has been under state surveillance and there are unconfirmed reports that another criminal case is being prepared against him. 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 against the officials involved in torture and ill-treating Bazarov.

Another blogger, **Otabek Sattoriy** 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>4</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 Detention called on Uzbekistan to "release Mr. Sattoriy immediately and accord him an enforceable right to compensation and other reparations".<sup>5</sup>

Another blogger, **Sobirjon Babaniyazov** was sentenced to three years' imprisonment for allegedly insulting President Mirziyoyev on social media.

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,

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<sup>3</sup> Further information: <https://civicus.org/documents/UzbekistanCountryBrief.pdf>

<sup>4</sup> <https://www.iphronline.org/uzbekistan-otabek-sattoriy-denied-transfer.html>

<sup>5</sup> See: <https://www.iphronline.org/uzbekistan-overturn-the-unfounded-criminal-sentence-againstblogger-otabek-sattoriy-and-release-him.html>

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 arrested on charges of fraud 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 during the investigation period and he was reportedly not given permission to choose his own lawyer for several weeks. The police investigator reportedly refused to let his mother visit him, and she wrote a complaint to the Prosecutor's office, only to be told that it is the police investigator who decides who receives visits or not. On 4 August 2023, Muminov was sentenced to seven years and three months' imprisonment after he was found guilty of extortion and other crimes. He has been forbidden to engage in journalistic or blogging activity for three years. On 15 August, his mother Sabokhat Abdullayeva saw Abdukodir Muminov at Tashkent Detention Centre No. 1 ("Tashturma") and he told her that from the first day of the investigation, he had been tortured, humiliated and threatened by a group of officials in room 311, on the 3rd floor of the Main Department of Internal Affairs in Tashkent City. They reportedly forced him to crawl on the floor and kicked him repeatedly on his left side, as well as in the genitals. In addition, every day Muminov was reportedly forced to crawl up the stairs from the 1st floor to the 3rd floor and was kicked in his left side, as a result of which it was difficult for him to move for several months. He had limited access to medical care. As a result of the torture and ill-treatment, Muminov lost consciousness several times, but was brought back to his senses and tortured again. According to his mother, Muminov signed a confession of guilt under torture.

On 17 December 2022, 60-year-old blogger **Shahida Salomova** who frequently posted criticism of government officials and gave free legal advice to victims of forced evictions, published a photo of the President and his relatives on her telegram channel 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. A few hours later, police officers 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. She is currently detained at the Clinical Psychiatric Hospital in Tashkent City and her compulsory treatment has been extended for another six months. Reportedly, Shahida's relatives are under severe pressure not to disclose 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". In August, the investigation was extended for a further five months in which the text of 80 of his video speeches is being analysed. Kodirov's criticism of 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 website portal regarding delay in receiving a new passport, he was subjected to surveillance, and arrested on 15 May 2023. The investigator is not obstructing the defence lawyer in any way, but Kadirov's family is not allowed to visit him. His family are also reported to be under pressure from local security services.

Most recently, on 26 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.<sup>6</sup> 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>7</sup>

There have also been incidents when authorities have interfered with the work of journalists working for international media outlets. Journalist **Agnieszka Pikulicka**, correspondent for The Guardian and Al Jazeera, was subjected to harassment by an official from the Uzbekistani 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 resources

The government uses 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 clamp down on access to information and media freedom during times of heightened security concerns, e.g. Presidential elections and the unrest in Karakalpakstan.

Critical independent media were targeted with cyber-attacks last year. At least two media outlets were subject to attacks and removal of content in June and July 2022 after publishing critical information related to the political environment. Previously, access to social media was restricted in early November 2021 by the state agency in charge of oversight of telecommunications, after it accused several platforms of failing to store user data on servers in Uzbekistan, a requirement introduced under a law adopted in January 2021.

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

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<sup>6</sup><https://daryo.uz/2023/05/27/qashqadaryolik-bloger-pilla-punktida-olasi-qilib-kaltaklangani-ayni-paytda-izsiz-yoqolgani-aytilmoqda>, <https://qalampir.uz/uz/news/sunggi-vok-ealar-barchamiz-uchun-zhiddiy-signal-buldi-k-ashk-adareda-yana-bir-necha-bloger-faoliyatini-tugatdi-83969>

<sup>7</sup> <https://rus.ozodlik.org/a/32432549.html>



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>8</sup>

## 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. Several independent human rights NGOs have repeatedly been denied registration on grounds that appear politically-motivated.

For example, 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 intimidation by state officials.<sup>9</sup>

In a welcome development, 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. According to Kungurov, inaction by the NCHR director meant that this was not done. However, in September 2022, Kungurov's application to register Democracy and Law was finally approved.

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.

## 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

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<sup>8</sup> The Law "On Personal Data" that 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 State Register of personal data when processing personal data of Uzbekistani 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.

<sup>9</sup> <https://www.iphronline.org/agzam-turgunov.html>

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 report, no victim of torture in Uzbekistan has been granted compensation for moral damages in recent years. Cases such as that of **Alexander Trofimov**, who was allegedly tortured in 2021, illustrate the continued inability of the judicial system to impartially investigate cases of torture and bring the perpetrators to account.<sup>10</sup>

## **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 WGAD 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

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<sup>10</sup> <https://www.iphronline.org/trofimov-statement-june-2022.html>

frequent cases of prison staff beating their children, and that they saw their children with bruises on their bodies.

## Domestic violence

The authorities should build on positive steps taken since the last UN Universal Periodic Review of Uzbekistan 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 published in January 2023<sup>11</sup> and 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 2023, Uzbekistan’s senate approved the draft law, which was signed into law by President Mirziyoyev on 11 April.<sup>12</sup>

The amendments to the Criminal Code include the introduction of 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.

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 violence can receive free legal advice, 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.

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<sup>11</sup> [www.regulation.gov.uz](http://www.regulation.gov.uz)

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

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.

## Persecution and torture of LGBT

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>

To our knowledge, the government is currently not planning to abolish Article 120. Instead, there is draft legislation indicating no change of policy or even further limitations of the rights of LGBT people and freedom of expression about this topic.

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.

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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>

On 14 December 2022, the draft Information Code, developed by the Agency for Information and Mass Communications, was published and contained a ban on disseminating “propaganda of unnatural relations of same-sex persons” in mass media and the Internet.

Other proposed legislation -- discussed in Parliament on 10 June 2022 -- includes an amendment to Article 63 of the Constitution stressing that marriage is only possible between a man and a woman. In addition, on 30 August 2022, the Interior Ministry submitted a draft resolution to the Cabinet of Ministers for discussion which would provide a legal framework for compulsory HIV testing regarding so-called “risk groups”. The status of these legislative proposals is currently unknown.

The World Health Organization and UNAIDS do not recommend mandatory, compulsory or coerced HIV testing of individuals on public health grounds. Anand Grover, then Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pointed out in 2010 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.”

The Uzbekistani 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 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.

## 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 in recent years - 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.

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 per cent 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 home owners, 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.

## Proposed recommendations to the authorities of Uzbekistan

### **KARAKALPAKSTAN**

- 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

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

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 MEDIA FREEDOM**

- Immediately release the 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.
- Express concern at allegations that bloggers **Miraziz Bazarov, Abdukadyr Muminov, Sobirjon Babaniyazov, Shahida Salomova** 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.
- Cease intimidating and harassing media, bloggers and journalists.
- 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**

- Provide an enabling environment for civil society by swiftly registering the independent civil society group Human Rights House and other peaceful civil society groups seeking registration in Uzbekistan and by bringing national legislation in line with Uzbekistan's obligations under international human rights law.

### **TORTURE AND ILL-TREATMENT**

- Ensure prompt, thorough, impartial and independent investigations into allegations of torture and other forms of ill-treatment of **Alexander Trofimov** and of all other persons subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that the abuse has occurred even if no complaint has been made; ensure that complainants are protected against any form of reprisal 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.
- Ensure that the legal safeguards pertaining to the early stages of detention are consistently implemented in practice and provide for sanctions against law enforcement officials who are found responsible for violating these legal requirements.

- 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 breast feed their babies and provided with appropriate conditions to do so.

### **DOMESTIC VIOLENCE**

- 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.

### **LGBT**

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

### **FORCED EVICTIONS**

- 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.