

Universal Periodic Review of Uzbekistan
Uzbek Bureau on Human Rights and Rule of Law (UBHRRL)

With the support of FIDH

UBHRRL aims to promote and ensure the protection of human rights and assist in creating a democratic society in Uzbekistan founded on the rule of law. Since 2006, the UBHRRL has submitted a number of alternative reports to the United Nations Human Rights Council, and the treaty-based committees for the Convention Against Torture, the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child.

Background to the human rights situation in Uzbekistan

1. The most urgent human rights issues highlighted in Uzbekistan's last Universal Periodic Review (UPR) have seen no improvement. Thus, torture, inhuman treatment, domestic violence, unfair trials, and infringements of the freedoms of association, assembly, and speech continue to be serious problems. These and other issues raised by the Committee at the country's last UPR have not been addressed and recommendations remain unimplemented. Only a few international documents have been ratified and some declarative changes made to legislation though such changes have had no practical effect.

Suppression of civil society

2. The Government of Uzbekistan has targeted independent civil society organisations with oppressive policies since the beginning of Karimov's era. The wave of "colour" revolutions in former Soviet republics¹ and the Andijan massacre of 2005 have led the State to become increasingly aggressive, openly employing severe methods to repress civil society, including by enacting oppressive legislation and directly threatening and otherwise persecuting NGO personnel in order to silence independent voices.
3. Since that time, no organisation has been able to report in detail or document the numerous human rights violations being perpetrated in Uzbekistan, making it almost impossible to obtain clear information on the human rights situation in the country. Severe suppression of freedom of association is now the most urgent issue in Uzbekistan, as voiceless NGOs are powerless to hold the Uzbek State to account for its widespread violation of human rights – it having obscured access to information on the overall human rights situation in the country. In the aftermath of and the years since the 2005 Andijan massacre, over four hundred local entities and about fifty international and foreign NGOs, media outlets, including the BBC, Deutsche Welle, Voice of America and Radio Liberty and private organisations have been closed down. Between 2005 and 2012 the government closed almost all international NGO's operating on Uzbek soil. These include the Open Society Institute, Eurasia Foundation, Inter-news, American Bar Association, Central European and Eurasian Law Initiative, Counterpart International, Crosslink Development, Freedom House, Partnership in Academics and Development, Urban Institute, Peace Corps, Institute for War and Peace Reporting, Winrock International and Human Rights Watch.

¹ The term "colour revolutions" denotes various movements that developed in several former Soviet Union societies and the Balkans in the early 2000s. Participants used mostly nonviolent resistance, including demonstrations, strikes and interventions to protest against governments seen as corrupt and/or authoritarian, and to advocate democracy, creating strong pressure for change. The movements are notable for the important role of NGOs in their organisation.

4. A Number of human rights defenders who strongly criticized the government and revealed serious human rights abuses were imprisoned or forced to flee the country. Those remaining in Uzbekistan work under daily surveillance, pressure, and harassment.
5. Independent NGOs are called “agents of the West” by State media; they are accused of propagandizing ideas “alien to the national mentality”. Independent NGO movements are blamed for conveying so called “western values” and breaking the traditional foundations of Uzbek society. Respect for human rights, protection from domestic violence, non-discrimination and gender are included in the list of “western values” allegedly being imposed. They are perceived to breach traditional Uzbek values and are therefore taboo in official vocabulary.

Legislation suppressing independent civil society institutions and NGOs

6. Upon the first “Colour Revolution” in the former Soviet Republic of Georgia, the Uzbek Government adopted a number of draconian laws that made the work of independent NGOs and other key agents of a democratic society (e.g. certain media) impossible. NGOs wanting to operate as legally registered entities have had to submit to State control over their work. Whilst many of these laws pre-date Uzbekistan’s last UPR they continue to be a devastating obstacle to civil society and democratic freedom. They are briefly outlined below together with newer legislative developments to ensure a complete picture of the situation faced by those seeking to inform the current review.
7. The Presidential Decree of December 2003 requiring the re-registration of all foreign NGOs continues to smother civil society representation. This law allows the government to control the activities of international NGOs through the Ministry of Justice and other State organs, exercising pressure on critical international NGOs, including through the denial of accreditation.
8. Another persisting obstacle to the operation of civil society remains the 2004² cabinet resolution forcing NGO’s to transfer their bank accounts to two State banks. Within these banks a Special Commission, staffed by bank personnel and National Security Services (former KGB) officers is charged with deciding whether to allow NGOs to receive money. Numerous NGO grants have been blocked for some time and even sent back to donors because they were not approved by the Commission. Officially, the Commission looks at whether a grant’s objectives are consistent with Uzbek Government policy, though in reality it simply denies independent NGOs the ability to access foreign funding.
9. The Presidential Decree of 27 May 2004 requiring the re-registration of all women’s NGOs (without stipulating the criteria for determining a “Women’s NGO”), also continues to oppress a free civil society. The Decree seeks to register all women’s organisations under one government organisation: the Uzbekistan Women’s Committee, forcing them to be subordinate to and work under the dictates of this organisation. Moreover, Uzbekistan’s Criminal Code and its Code on Administrative Responsibility (as amended in December 2005), continue, under Article 239, to oblige all NGOs to obtain permission from the Ministry of Justice before conducting any activity, including providing documents confirming the use of property and financial resources. Failures are penalized with enormous fines (from 100 to 600 times the minimum monthly wage, which is from 3,928 to 23,750 US Dollars³), imposed on the managers and directors of the infringing NGO. Penalties for the following offences under Uzbekistan’s Criminal Code have been increased to 3-4 times: Art. 139 (Libel); Art. 140 (Insult); Art. 159 (An encroachment on constitutional buildings of the Uzbek Republic); Art. 217 (Infringement of rules on the organisation and

²The Resolution of the Cabinet of Ministers No. 56 of February 4, 2004.

³According to Presidential Decree of 9 November 2012 the minimal monthly wage in Uzbekistan is 79,590 Uzbekistani som. US dollar rates are given at the exchange rate used by the Central Bank of Uzbekistan on 5 March 2013.

holding of meetings, rallies, street marches or demonstrations); and Art. 244(1) (Producing or distribution of the materials containing threat of public security). These articles attract penalties “from 200 up to 600” times the monthly minimum wage.

10. The penalties for similar breaches under Uzbekistan’s Code on Administrative Responsibility have also been toughened. The rates of penalty relating to articles 40 (Libel) and 184 (Producing or distributing materials containing a threat to public security) have been increased up to 10 times. For example, where previously a penalty under Article 23 (exceptional cases) could be imposed from 10 to 15 times the minimum monthly wage, it is now possible to apply a penalty from 100 up to 150 times the minimum monthly wage. However, the law fails to specify the type of materials that can pose a threat to public security. Thus materials published by NGOs containing information on human rights abuses can easily be interpreted as causing a public disturbance and thus being a threat to public security under the legislation. Parliament’s December 2006 adoption of the Law on the Guarantees for Activities of Non-State, Non-Profit Organizations also continues to impede democratic freedom. This law contains a number of vague and ambiguous definitions and restrictions that facilitate arbitrary administrative decisions targeting civil society organizations.
11. Contrary to international standards on freedom of association Uzbek law makes registration the central prerequisite to NGO activity, rendering informal active groups illegal and their members punishable by up to 5 years imprisonment under the criminal code. Uzbekistan’s Law on Mass Media (as amended in January 2007) further continues to suppress independent voice. Under this law, Internet and bulletins are recognized as Mass Media with several attendant consequences, including the requirement for an NGO to obtain a license in order to issue regular bulletins or brochures. Consequently, if an NGO bulletin addresses critical issues, such as violence against women, sexual exploitation, or democratic values and ideas, it is unlikely to be granted a license. All web sites publishing critical information and being maintained from abroad are blocked. Notably, many critical thematic issues are discussed on these sites, though Uzbek readers are deprived of access to them. All access to the websites of international human rights organizations, such as Human Rights Watch, the International Federation for Human Rights (FIDH), Amnesty International, and many others is blocked.
12. In order to build a single State-controlled NGO administrative body, 2008 saw the Uzbek government create a so- called NGO, named the National Association of Nongovernmental Non-commercial Organizations (NANNO). This organization is intended to subsume all existing NGOs under its auspices. In 2012, the NANNO carried out six Projects funded by the European Commission for 1.3 million Euros. These projects were entitled “Plan your future”. Since 2010, another so-called NGO – Fond Forum of Uzbekistan – has been active in the country. Although, this organization is officially an NGO, it is lead and reportedly funded by President Karimov’s eldest daughter, G. Karimova, who is an official government employee. In 2010, this organization also got consultative status with the UN’s ECOSOC.
13. Any publication produced by an NGO or international organization, including UN offices, must obtain permission from the Centre on Spirituality and Education under the Cabinet of Ministers. This regulation acquired a special force in March 2009 in light of the newly adopted “Program on enhancing national spirituality and the struggle against phenomena and activities alien to the Uzbek way of living and mentality”. The implementation of that program began with the screening of numerous publications by international organisations (UN Uzbekistan offices inclusive) by the Centre on Spirituality and Education. The screening aimed to determine whether or not the publication is related to the issues and contains terminology of gender equality, domestic violence, feminism, safe sex, condoms, etc., which are identified as “hostile to the national culture”.
14. The government has forced the closure of many local NGOs by a variety of means. In some cases directors were called and threatened orally with negative consequences for disobedience; in others the Ministry of Justice initiated court cases on grounds that under normal circumstances would entail only a written warning at most. For example, in 2005 the Ministry of Justice instituted proceedings against the

Legal Aid Society of Uzbekistan (LAS), on the basis that its original registration was questionable as the organization did not provide a rental agreement for its office when supplying documents for registration. The Court consequently shut the organization down.

15. The law in Uzbekistan imposes administrative liability for functioning as a non-registered group for more than 6 months. Under article 202 (1) of the Code of Administrative Liability, “Involving others in non-governmental, non-profit organizations, movements, sects, which are illegal in the Republic of Uzbekistan, is punishable by a fine ranging from fifty to one hundred minimum wages or by administrative arrest of up to fifteen days.”
16. In February 2012 responding to the events of the Arab Spring, the Uzbek government also went on to ban Flash-mobs.

Registration of NGOs

17. NGO registration is mandatory in Uzbekistan. It is carried out by the Ministry of Justice and there are three types of response officials can provide upon consideration of the documents supplied by a group’s initiators: a) approval, b) denial, and c) leaving registration documents unconsidered due to shortcomings or errors. For an organization whose Charter provides that it will work on human rights, religious freedoms and other so-called sensitive issues, the Ministry always uses the third type of response, launching endless bureaucratic mechanisms.
18. With its documents for registration, an organization must provide protocols for its members meetings and a list of founding group members. This requirement allows the government to put pressure on founding members to deny participation in the formation of NGOs and further use it as a shortcoming of the NGO’s registration.
19. The Ministry of Justice has found “shortcomings” in registration papers for NGOs to prevent their official registration. Examples of such shortcomings have historically included that “...the group cannot put as its goal protection of human rights since article 43 of the Constitution secures the State’s role in promotion and protection of the rights and freedoms of citizens...” (“Mazlum” human rights NGO’s refusal in 2002) and that an applicant could not choose to combat torture as one of its objectives because Uzbek law outlaws torture and there is no torture in Uzbekistan (other NGO 2003). Whilst these are clearly historical examples, given the State’s consistent stance on human rights NGOs, their applications, if not left languishing unanswered in the registration system, can expect similar such responses today.

Political Parties

20. The registration of political parties is complicated by the vagueness and ambiguity of legislation retained since 1992. Among other things, the law prohibits the organization of parties that infringe upon the morality and health of the people. However, it does not provide any definition of these terms and twenty thousand signatures must be collected for the registration of a new party. The government has bestowed upon itself the power to control parties through financial and legal mechanisms, and the media. For non-compliance with government regulations the Ministry of Justice can suspend parties for six months without a court order.
21. All parties declaring that they are in opposition to government policies have been refused registration since the beginning of Karimov’s era (1991), including Erk, Birlik, Party of Free Dehkans, and others.

Harassment of human rights defenders

22. The work of human rights defenders is extremely difficult in Uzbekistan. They face daily surveillance, pressure on family, and are forced to live in constant fear for their safety. For more than a decade hundreds of human rights defenders, journalists, and political and religious leaders have been imprisoned or forced to flee the country. Since Uzbekistan's last UPR, the government has increased pressure on independent human rights defenders and journalists and conducted further arrests and imprisonments.
23. Those currently among Uzbekistan's imprisoned human rights defenders are: Azam Formonov, Solijon Abdurakhmanov, Mehrinisso Hamdamova, Zulhumor Hamdamova, Isroiljon Holdarov, Nosim Isakov, Gaibullo Jalilov, Abdurasul Khudoinazarov, Erkin Kuziev, Ganihon Mamatkhanov, Zafarjon Rahimov, Yuldash Rasulov, Dilmurod Saidov, [Akzam Turgunov](#) and Gulnaza Yuldasheva. The detention conditions and health of most of these prisoners is appalling, and includes the use of torture and inhuman and degrading treatment.
24. On 25 July 2012, Uzbek Human Rights activist and member of the Human Rights Alliance of Uzbekistan, Akromhodja Mukhiddinov, was insulted, attacked and stabbed to death by three unidentified individuals. Mukhiddinov died in the ambulance taking him to hospital.

Administration of Justice

25. Corruption in Uzbekistan is overwhelming and affects the State system as a whole. According to Transparency International Uzbekistan is 177th out of 182 countries reviewed. Corruption seriously affects all branches of government from the top to the bottom. Fear of losing power and income prevent progress on democratic reforms or the adoption of important laws. Power is concentrated in the hands of the President's family and it used to benefit their interests, while common people are forced to live in poverty and go abroad to look for work.
26. The Judiciary in Uzbekistan faces serious problems as it is heavily dependant upon the executive power, including in the appointment and dismissal of judges. This profession is also afflicted by high levels of corruption due to a lack of transparency in judges' work and low salaries.
27. One of the strongest influences on judges is the *Procuracy*. This is an agency that combines the functions of preliminary investigation, State prosecution and control over legal enforcement and the protection of citizen's rights and freedoms. These three functions should belong to three independent organs. The government has given the *Procuracy* enormous power, turning it into powerful State machinery that influences Judges.
28. The Advokatura – the legal bar association in Uzbekistan, was known as a semi-independent, non-State organization for many years, though was structurally fragile. In December 2008, the government issued a new law on the Advokatura, and created a single State organization: the Chamber of Lawyers, under the Uzbek Ministry of Justice. All lawyers from previous bar associations were forced to undertake a new Bar exam, thus enabling the government to disbar many independent lawyers who took politically sensitive cases before the courts.

Habeas Corpus

29. In 2008 Uzbekistan introduced habeas corpus. Local and international NGOs have by now had sufficient time to see the shortcomings of this procedure in both legislation and practical implementation.
30. Firstly, the authorities have demonstrated a lack of political will to establish an independent court system. Secondly, the way habeas corpus has been introduced into Uzbek legislation has a number of shortcomings. The procedure for determining the application of pre-trial detention does not provide suspects or accused persons with a right to appeal the legality of their arrest, nor to raise the issue of torture or inhuman and degrading treatment or other unlawful acts or decisions of law enforcement officials, before a judge.
31. Moreover, the Judge deciding a pre-trial detention case could be the same judge to hear the detained person's subsequent substantive hearing, as there are no mechanisms to prevent this. Here, the impartiality and objectivity of the judge can be affected in the future trial. Furthermore, the review of detention in custody is held in a closed hearing and the participation of lawyers is not obligatory. Article 243 of the Criminal Procedural Code lists the persons allowed to participate in the hearing reviewing pre-trial detention. These are, namely, the prosecutor, defence lawyer, if the latter participates in the case, and the suspected or accused person. The conditional nature of the presence of a defence lawyer violates the right to a defence.
32. The determining issue of bail or other types of non-custodial conditions remains within the consideration of the investigator and prosecutor (articles 237 and 240, Criminal Procedural Code of Uzbekistan).
33. Moreover, Article 217 (1) provides that a suspect or accused person's liberty may be deprived, without court scrutiny, by their compulsory placement by the prosecutor or investigator into a medical institution for psychiatric examination.
34. Uzbekistan's current legislation does not provide any legal standards for a judge to determine the reasonableness of applying pre-trial detention. The Judge is not obliged to weigh up evidence presented by the procurator or investigator nor evaluate the lawfulness of the detention. Procurators and investigators do not have any legal instructions or standards of evidence to be complied with in order to apply detention in custody. Thus, judges do not examine the actual lawfulness or legality of detention properly.

Freedom from torture and other cruel, inhuman and degrading treatment and punishment, including prison conditions

35. Since the last Universal Periodic Review, Uzbekistan has not made any visible or practical progress in combating torture and ill-treatment. Generally, the State has failed to recognize existing problems. Torture remains a routine practice during investigation. Its use was reported for a long time by the local and international organizations, and confirmed by the UN Special Rapporteur on Torture in 2003, though crippling restrictions on civil society work in the country mean that the majority of torture cases now remain unreported.
36. The definition of torture provided in article 235 of the Uzbek Criminal Code still does not comply with the article 1 of the UN Convention Against Torture (CAT). Notably, all judges, investigators and law enforcement personnel use only the Criminal Code in their everyday work, and continue to ignore or are

unaware of the Supreme Court Plenary resolution of 2004 adopting a position on torture nearly identical to the UN Convention against Torture. For this reason, it is vital that this resolution be implemented through Uzbekistan's Criminal Code.

37. Independent NGOs do not have access to detention centers or prisons. The only independent international organization with access to the prisons in Uzbekistan is International Committee of Red Cross, but their reports are confidential and are only communicated to the State. It has been reported that prior to ICRC prison visits, prison administrations create a pretence of good conditions, severely punishing those prisoners speaking out about violations to ICRC teams after their visit. In addition, prison administrations impose collective punishment on all prisoners in order to create an environment of generalized fear regarding the next ICRC visit.
38. Imprisoned human rights defenders (HRD) are often hidden from ICRC delegations. A range of excuses are used to transfer HRD to different institutions for the duration of the visit and return them once the inspection has been completed. This strategy has been used against Azam Farmonov, imprisoned in 2006, and many others.
39. Moreover, juvenile women in detention pending trial and in custody are kept together with adults. There is no separate colony or detention center for juvenile women. Being in constant contact with adult criminal offenders has a proven negative impact on juveniles as stated in the Beijing Rules.

Violence against Women and Gender Stereotypes

40. One of the main problems faced by women of Uzbekistan is domestic violence. Traditionally, women in Uzbekistan are treated as being subordinate to their husbands and a woman's husband and his close relatives control her. Domestic violence has different forms including social, financial and psychological abuses, and physical and sexual assaults. The Uzbek government officially denies this problem. There is still no law on domestic violence in Uzbekistan, and the term of domestic violence is not defined in criminal law. Moreover, aspirations for protection from domestic violence, non-discrimination and gender are included in the list of "western values" and perceived breach the traditional values of Uzbekistan, being therefore taboo in the official vocabulary.
41. Furthermore, a literal translation of "domestic violence" is not found in the official Uzbek language; instead the government uses the term "family conflict", thus recasting the phenomenon as a family issue in which government should not intervene. For example, Uzbekistan's 2009 State report to the Committee on Elimination of Discrimination against Women (CEDAW), refers to the patriarchal matrix in family relations, where the traditional role of a mother is to raise her children whilst a father is absent most of time breadwinning. This reflects deeply rooted cultural stereotypes regarding the roles and responsibilities of women and men in the family and society in Uzbekistan.
42. In effect, Uzbek women have no protection against domestic violence in the family. The Uzbek government refers such issues to Mahallas – local autonomous institutions of self-government based on family ties and Islamic rituals. Thus, before applying to the civil courts for divorce all women must go to the Mahalla. As in most cases women live in the family and neighborhood of their husbands, where divorce is sought, a woman is therefore forced to appeal to the Mahalla of her husband (usually composed of the perpetrator's family).
43. Today, the Mahalla is responsible for family reconciliation. A reconciliation committee is created within the structure of every Mahalla in Uzbekistan. No court can accept a petition for divorce without a conclusion from a reconciliation committee, despite the fact that this is not required under the legislation of Uzbekistan. The purpose of the Mahalla is the preservation of the family and preventing divorce.

Thus, in most cases women face serious psychological pressure during its sessions. Mahalla Committees act as courts on family issues and deny battered wives permission to file for divorce, making them return home to their husbands and in-laws. Women are often blamed for disobedience and impatience, and it is therefore seen that they deserve punishment. Thus, the Mahalla fosters traditional values where women play a second-class role.

44. The legal minimum age for marriage differs between men and women. Moreover, a family can force their daughter to marry even at 16, as Uzbek law allows the minimum age of marriage for girls to be lowered to 16.
45. In 2011 and 2012, there were many credible reports of the Uzbek government's secret plan to keep population numbers down by having Uzbek doctors sterilize women without their consent. For example, what one doctor said: *"Every year we are presented with a plan.. Every doctor is told how many women we are expected to give contraception to; how many women are to be sterilized."*⁴

⁴ BBC News, "Uzbekistan's policy of secretly sterilising women", 14 April 2012, quote from a doctor from Tashkent, available at: <http://www.bbc.co.uk/news/magazine-17612550>.

Freedom of Movement

46. According to Uzbekistan's Constitution all citizens of the country have the right to freedom of movement within the territory, as well as to freely enter or leave the Republic. In contravention of this edict, the government of Uzbekistan has imposed extreme limitations on this right, requiring citizens to have Propiska registration for movement inside the country, and exit visas for travel outside of Uzbekistan.
47. Propiska is the official registration of a person according to their birthplace and the locality of their immediate family. Historically, Propiska was used by the Soviets to prevent the internal migration of rural persons to the cities and capitals of former soviet republics. Under this law, Uzbek citizens must obtain a special stamp in their passports denoting official registration (Propiska) with their neighborhoods (Mahallas). They also require an official permission letter if they want to move to another city. Thus, it is almost impossible for the inhabitants of rural areas to resettle to Tashkent city.
48. Moreover, the Uzbek government systematically adopts new legislation that builds on this resident registration system, further violating rights to access education, work and medical services. The government's latest September 2012 amendment establishes only 12 categories of Uzbek citizen who have the right to be permanently registered in Tashkent. Without permanent registration a person cannot be legally hired, and has limited access to educational and medical services.
49. Uzbekistan is now the only country among all former Soviet States to retain this destructive Soviet Propiska rule. Indeed, such rules on movement of persons have become a means of punishing activists, opposition members and their families who are often refused the necessary permits. For example, in October 2012, well-known independent Uzbek artist, Vichaslav Okhunov, was denied an exit visa to travel abroad without any explanation for the reasons behind this decision. Local and international human rights organisations believe that Okhunov was denied an exit visa because of his independent artistic works and his criticism of the current regime.

Children's Rights

50. The Civil Code of Uzbekistan defines the age of majority as 18 years old (article 22). Nevertheless, social allowances are still only paid for children up to the age of 16 years, despite recommendations by the Committee on the Rights of the Child. According to Uzbek legislation, children under 16 years old are eligible for social allowances on losing their parents only if their parents had previously worked. If a child's parents did not work no allowance is provided. Where a child is still studying until the age of 16, the government may pay an allowance until 18 years old. Despite constant criticisms from local NGOs and numerous recommendations by UN Committees to change the discriminatory provisions of Uzbek law on the legal minimum age for marriage, this law remains in force. It establishes the minimum age for marriage at 18 for men and 17 for girls, the latter age being lowered to 16 where a decision of the Hokimiyat (local government) is obtained.
51. Poverty and unemployment forces many Uzbeks to leave their homes to work abroad (mainly in Russia and Kazakhstan), leaving children without parental care, whereupon they end up on the streets or in orphanages. In turn, children placed in institutional care face violence and abuse and have no special mechanisms of complaint to protect them. Education in institutional care is far from competitive, giving children little chance of accessing higher education. Orphanages do not have special adaptability programmes for children and no financial support is provided for them if they enrol in university. Children have to leave orphanages at the age of 16 and are left with no means on which to live, no housing, no education or work. The Government provides no incentives for orphanage children to enrol in higher education institutions.

52. As outlined above, Uzbekistan retains the old Soviet system of residence registration (Propiska), systematically reinforcing violations of the rights to education, work and medical services. These infringements equally affect the children of those effected by such rules. Thus, for example, the government's September 2012 amendments on permanent residence in Tashkent equally exclude children whose parents do not have permanent registration in Tashkent or the Tashkent region from work, education and health care. Uzbekistan's use of child labor since the Soviet times remained uncurbed until 2011, when international complaints against child labor, lead by international human rights organisations and companies such as Adidas, H&M, and Marks and Spencer, lead to the cessation of child labour in cotton harvesting for 2012. Instead, however, many schoolteachers, doctors, nurses, and other employees of State administrative bodies were forced to work in cotton fields, and sick employees were forced to pay from 100 to 200 USD for other workers to pick cotton.

The protection of orphaned children

53. In most orphanages children have no opportunities to develop their communicational and interpersonal skills. They are not adapted to life in society outside of the institution. Children leaving orphanages have not been able to develop the practical, routine skills necessary to survive in society. Graduates of orphanages have low training levels and lack the skills necessary for successful job-hunting. It is much harder for them to get their lives going, and continue their studies. In most cases children attempting to enter university have no money to pay for their studies and the government do not provide any special tuition quota for orphanage children to enter universities.
54. Children from orphanages and infant homes have no access to housing services. In 2010 the Cabinet of Ministers adopted Resolution 164 "On Order of Provision of Housing for Orphans and Children Deprived from the Family Care". According to this Resolution children left without parental care should be provided with housing. Thus, where housing is not secured before placement in an orphanage and where there is no property belonging to a child, Government is expected under law to allocate a targeted transfer from the State budget to buy housing for the child in question. However, in the two and half years that this resolution has been in force not a single such allocation has been known, despite over 100 children being on the waiting list for housing in Tashkent city on the 1 January 2013.
55. No effective mechanisms for children to communicate concerns or complaints about their placement in institutional care exist. The quality of a child's life and primary education in such institutions has not been studied. There is no information that adequately reflects children's own opinions on their lives and the institutions in which they live. Orphanage administrations do not allow independent research, surveys of children or contact with them.
56. The former inmates of nursing homes, especially those with mental disabilities, are not provided with allowances. The widespread diagnosis of "idiocy" among children placed in nursing homes is not included even in the lowest paid disability group, with State officials apparently believing that such children are able to find jobs to support themselves. No further monitoring of their lives beyond the facility is ever carried out.
57. Beatings and non-physical forms of corporal punishment are frequently used in orphanages. Children are forced to clean the territory, rooms and toilets in the orphanage.

- 58.Children in institutional care are often subjected to sexual violence from officials working in the institution. The overwhelming majority of these cases remain unreported as children are not educated on their rights, and there is no adequate compliance mechanism to deal with such crimes.
- 59.The authorities do not welcome systems of alternative care. Despite the fact Uzbek legislation defines patronage/foster family, the use of such set ups is not promoted in practice. The Ministry of Finance allocates funding to orphanages on the basis of the number of places they are designed for. Thus, corrupt officials involved in this sector have no interest in promoting a patronage care system.
- 60.Although international adoption is not officially prohibited, State agencies received oral warnings not to allow foreigners to adopt children from Uzbekistan.
- 61.There is no follow-up of children who have left institutional care. The only possible data is official statistics, though this information is not always available nor reliable. Those formerly accommodate in orphanages are easy targets for law enforcement officials trying to improve statistics on the percentage of criminal cases solved. There are many cases of such children being forced to sign confessions to crimes they did not commit.

The right to education

The international campaign against child labor in Uzbek cotton fields in 2012 meant that schoolchildren in many regions of the country were not forced to pick cotton during the harvest. However, instead, many schoolteachers were forced to engage in this work, in turn continuing to violate these children's right to education. Numerous classes were cancelled during the two months of harvest, though children were still kept in their classrooms.

- 62.Those parents wanting to keep their children's teachers out of the cotton harvest had to collect money to hire someone else to engage in the work. In one Tashkent city schools parent were called to collect 50,000 Uzbek soms for every child (25.5 USD).⁵
- 63.Although school education is free in Uzbekistan, hidden school fees put enormous weight on parents with many children. School administrations collect money from parents for the following:
- a. School and class funds;
 - b. Textbook rent;
 - c. School guards and cleaners; and presents for teachers and administration staff for every holiday.
- 64.In some schools children are used for repair work, including wall and floor painting and cleaning after renovation, with no adequate protection from harmful risks.
- 65.School children are also largely engaged in cleaning classrooms and school territory. In autumn, during leaf fall, children go sweeping daily regardless of the weather outside.

⁵ As at the exchange rate used by the Central Bank of Uzbekistan on 13 November 2012.

Sexual exploitation and abuse of children

66. Child prostitution is a problem in Uzbekistan. However, there is no official data about the age or percentage of children involved. Street children and children in institutions, such as orphanages, are often involved in prostitution. Often law enforcement officials are involved in criminal businesses that engage in child sexual abuse.
67. Street girls are often subject to sexual abuse when held in detention centres. Children in prisons can also be exposed to sexual abuse either from prison staff or elder peers. Although, the Criminal Code contains provisions on sexual intercourse with a person dependent on the perpetrator, there is no separate law on protection from sexual harassment. Children placed in institutional care are at a high risk of sexual abuse. There are no mechanisms of independent observation and complaint in such institutions. Independent NGO's are not allowed to monitor the situation in these institutions.

Recommendations

For the Uzbek authorities:

Freedom of Association

- Revise and simplify the registration process for NGOs, including foreign representatives, and introduce legislative amendments reducing the control of State organs and the Ministry of Justice over NGO activities. Change the character of NGO registration from permissive to informative.
- Abolish the practice of tight controls over NGO activities by the Ministry of Justice. In particular, remove the requirement to obtain permission from the Ministry to conduct educational activities, conferences, and round-tables, etc.
- Eliminate the practice of checking the appropriateness of grants allocated to NGOs with accounts with Uzbek State banks by the Special Commission. Stop freezing and returning grants allocated to NGOs by international donors.
- Eliminate the censorship of NGO publications, and stop persecuting individuals involved in developing and publishing NGO materials, including textbooks, leaflets, and public services announcements.
- Stop persecuting NGO leaders, human rights defenders, journalists and activists. Free imprisoned human rights defenders and political prisoners.
- Create an environment that would guarantee the work of independent local and international human rights NGOs, and independent political parties the enjoyment of their rights of to freedom of assembly and associations in Uzbekistan.

Freedom of movement

- Abolish residence registration (propiska) and the need to obtain permission to exit Uzbekistan and recognize these institutions as discriminatory practices that have a negative impact on Uzbek citizens' lives.

Combating Torture

- Effectively implement the prohibition on torture and other cruel, inhuman or degrading treatment or punishment in all circumstances and set up aggravated sanctions for such treatment. Amend Article 235 of the Criminal Code, bringing it into full compliance with Article 1 of the Convention against Torture.
- Establish mechanisms and proceedings that facilitate victims of torture and other cruel, inhuman or degrading treatment or punishment to readily lodge complaints against perpetrators.
- Allow all premises where persons may be deprived of their freedom to be controlled/visited/monitored by independent organs. The Law governing the public control of penitentiary institutions must be further developed to allow NGOs to form independent commissions to engage in monitoring temporary isolators and prisons, and to communicate without witnesses with persons arrested and detained in the above mentioned institutions.

- Order a thorough and impartial investigation into the circumstances surrounding every case of torture and other cruel, inhuman or degrading treatment or punishment. Bring those responsible to trial and apply the penal and/or administrative sanctions provided for by law. Guarantee that adequate reparation is provided to the victim.
- Enshrine the right of detainees to a medical examination by a doctor of their choice and discretion (family/personal doctor) in law, including the right to demand a medical examination of bodily injuries by a qualified practicing forensic doctor.
- Introduce the requirement that a mandatory individual record be kept for each detainee/arrested person in the form of a personal card to be kept in the detainees personal dossier. This card should contain mandatory information, including: time of arrival at law enforcement offices, time of arrest, time at which the detainee is advised of their rights, indications of body injuries, if any (absence of such signs should also be noted), time at which close relatives or other people close to the detainee are informed of the procedural coercion measures to which the detainee has been subject (arrest, detention, placement in medical institution, etc.), date and time of lawyer and/or investigator visits, detainee meal times, time of transfer from one place of detention to another.
- Equip all interrogation rooms with video monitoring systems.

Habeas Corpus

Reform the system of habeas corpus by:

- Enlarging the judge's authority to review cases of detention in custody on the merits and decide the reasonableness of it;
- Authorizing judges to impose other non-custodial conditions.
- Amend current Uzbek Habeas Corpus Act and create new legislation framework that would allow Judges to check legality of detention within a short period after detention.
- Ensuring compulsory participation of a lawyer at all stages of investigation, including the hearing reviewing detention in custody.
- Amend current Uzbek Habeas Corpus Act and create new legislation framework that would allow Judges to check legality of detention within a short period after detention.

Children's rights

- Introduce a comprehensive program for the prevention of child abandonment and neglect. Publicly condemn violence against children and women, taking the necessary legislative measures to prohibit domestic violence and abuse. To adopt special legislation to meet the specific circumstances and needs created by family-based violence. Moreover, it should enact legislation, which explicitly recognizes marital rape as a criminal offence. The Government should pass legislation to create civil remedies such as protection orders, for victims of domestic violence as well as establish shelters for women where they can find relief from such violence.
- To stop the practice of sending schoolchildren, to pick cotton and take effective measures to combat child labor. To prohibit forced labour, in particular in the cotton fields and in the agricultural sector., to e Establish a procedure to receive complaints and to undertake a study on the causes and scope of this phenomena. and e Establish a comprehensive strategy in cooperation with civil society and the International Labour Organisation (ILO) in order to prevent forced labour.

