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Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Uzbekistan

Uzbekistan's national legislation and constitution contain provisions for the protection of most human rights. However, a serious gap between legislation and implementation remains. There were no significant improvements in the human rights situation in Uzbekistan in 2010, although there was some evidence of a reduction in the use of child labour during the cotton harvest. We continue to have serious concerns in several areas, particularly with regard to freedom of expression.

We believe that the best way we can contribute to an improved human rights situation in Uzbekistan is through critical but constructive engagement, raising our concerns on human rights frankly while looking for opportunities to encourage positive reform. We monitored developments, observed trials, supported human rights defenders and sought to work with the Uzbek government on reform projects throughout 2010. The government of Uzbekistan showed, in general, a greater willingness to engage on human rights issues. However, the incremental approach taken to reform means that progress towards practical change was limited. Uzbekistan is a country in which it is often difficult, and sometimes impossible, to obtain objective and credible information or to verify facts.

In September, a memorandum of understanding was signed on cooperation between the UK and Uzbek parliaments, the first of its kind in Uzbekistan. Uzbek and British parliamentary groupings agreed to work together to facilitate inter-parliamentary dialogue and to encourage exchange of experience among parliamentarians, including through parliamentary visits to and from Uzbekistan.

In a speech to parliament on 12 November, President Karimov stressed the importance of improving awareness of the law and of educating the Uzbek people about human rights. He also acknowledged the need to move from legislation to implementation. We look forward to seeing concrete progress towards these important goals in 2011. The Uzbek authorities have indicated a willingness to develop further dialogue with us on criminal and judicial reform, child labour and media freedom. We will continue to work for constructive cooperation in these areas, and to support parliamentary reform. We will monitor developments and continue to maintain close contacts with human rights defenders and interested organisations. We will also raise issues of concern and seek to observe trials. We hope that the EU will be able to open a full delegation office in Uzbekistan soon, which would greatly assist its capacity to develop deeper cooperation with the government on human rights issues.

Elections

No national elections were held in 2010 and there were no changes to Uzbekistan's electoral legislation. In its report on the December 2009 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights stated that "the election legislation continues to fall short of OSCE commitments and requires significant improvements".

In May, we invited an Uzbek delegation to visit the UK to gain an insight into our general election process by meeting a range of government and election officials, as well as observing a constituency vote.

Access to justice

Access to independent impartial justice remained a concern. All judges are appointed by the president. In 2010, we expressed to the Uzbek authorities our continued concerns about lack of judicial independence. There is a widespread perception among human rights defenders in Uzbekistan and the international community that judges do not consider evidence fairly or impartially. According to Uzbek law, trials must be open, unless justified by exceptional circumstances, such as the protection of state secrets, victims or witnesses. However, public access to certain trials, including access for defendants' relatives, continued to be restricted. On several occasions in 2010, representatives of our Embassy in Tashkent were refused entry on the grounds that official permission must first be obtained. We have since requested formal clarification from the government of Uzbekistan about obtaining access to trials, but have not yet received a response.

In his 12 November speech, President Karimov also proposed measures to promote the fairness and impartiality of courts. We look forward to seeing concrete progress towards this goal.

In 2010 the European Commission and Uzbek government agreed to cooperate on an important joint project entitled "Support to Criminal and Judicial Reform in Uzbekistan". The project will be implemented between 2011 and 2015. Our Embassy hopes to arrange a scoping visit to Uzbekistan by the National Police Improvement Agency, with the aim of submitting a bid to carry out the activities envisaged within this project.

Rule of law

Corruption remained widespread. Transparency International ranked Uzbekistan 172 out of 178 states surveyed in its 2010 Corruption Perceptions Index. In his speeches to parliament of 27 January and 12 November, President Karimov expressed concern about corruption. Our Embassy part-funded a project entitled "Strengthening Anti-Corruption Measures in Uzbekistan", implemented by the UN Office on Drugs and Crime between 2009 and 2011. The project aims to increase Uzbekistan's capacity to implement the UN Convention against Corruption, including through training, workshops and assistance in reviewing legislation and drafting a National Anti-Corruption Action Plan.

Reports are mixed about the extent to which Uzbek legislation on *habeas corpus*, introduced in 2008, is being implemented in practice. The Uzbek delegation who travelled to the UK in March to discuss prison reform also met representatives from a wide range of UK bodies, including the Ministry of Justice, to share experience of implementing *habeas corpus* in our legal system.

Torture and other ill treatment

The continued high number of allegations of torture, especially in pre-trial detention, remained a serious concern. In January 2007, the UN Committee against Torture called upon the Uzbek authorities to address impunity and lack of accountability. While several law enforcement officials have been disciplined following complaints about human rights

abuses, the Initiative Group of Independent Human Rights Defenders of Uzbekistan claimed that 39 prisoners died as a result of alleged torture in custody in 2010. In practice, it remains impossible to verify accounts of torture. Despite lobbying by the UK, Uzbekistan has yet to allow the UN Special Rapporteur on Torture to carry out a requested follow-up mission to the 2002 visit of then special rapporteur, Theo van Boven.

Prisons and detention issues

Physical conditions in prisons reportedly improved in certain respects, though hepatitis and tuberculosis were said to be widespread among prisoners. Allegations of serious mistreatment by officials of some prisoners, and particularly – but not exclusively – those sentenced on religious grounds, remain a source of concern.

The government of Uzbekistan has expressed a willingness to work with us on prison reform. In March, a delegation consisting of representatives from the Uzbek National Human Rights Centre, the Prosecutor-General's Office and the Supreme Court visited Whitemoor high-security prison to view at first hand UK prison management systems for long-term inmates.

Human rights defenders

We remained seriously concerned by the numbers of human rights defenders and dissidents in prison, by restrictions on their activities and by restrictive registration procedures. Human Rights Watch's 2010 report entitled "Uzbekistan's Imprisoned Human Rights Defenders" maintained that there were at least 14 human rights defenders in prison in Uzbekistan. One of these, Farkhad Mukhtarov, who was initially sentenced in October 2009 to five years in prison but which was later reduced to four years (on charges of fraud and bribery), was released from prison in December. We also remained concerned about attempts by the Uzbek authorities to obstruct the legitimate activities of human rights defenders and those supporting them.

Along with other EU member states, we continued to urge the government of Uzbekistan to release all imprisoned human rights defenders and prisoners of conscience. Staff at our Embassy regularly met Uzbek human rights defenders to discuss the human rights situation on the ground. We also held informal workshops for human rights defenders at our Embassy to raise awareness of international human rights law. Where we assessed that it might help, we raised individual cases with the Uzbek authorities.

Few international NGOs are able to operate in Uzbekistan because the authorities withhold accreditation to foreign NGO staff. Human Rights Watch continued to operate without a full-time representative in the country. In December, the head of the Human Rights Watch office became the third consecutive representative from the organisation to be denied accreditation. We urged the government of Uzbekistan to promote greater pluralism of views in the country, including by accrediting a Human Rights Watch representative.

Freedom of expression

There was an apparent deterioration in freedom of expression in 2010. During his address to parliament on 27 January, President Karimov urged "further liberalisation of mass media, intensification of activity of non-state outlets of press, radio, television and expansion of their access to the global network of the internet". The president's speech to parliament on 12 November announced further measures to strengthen the independence of the media. However, serious restrictions on freedom of expression remained in place throughout 2010 and independent journalists continued to suffer harassment.

Although formal censorship was abolished in 2002, several legal and administrative measures result in self-censorship, including strict registration procedures and a media law passed in January 2007 which holds all media accountable for the "objectivity" of

their reporting. The government of Uzbekistan continued to deny accreditation for many Western media organisations. Internet service providers had to use the state-controlled telecom operator. Numerous websites, including those of the BBC and *Financial Times*, remained blocked.

Independent journalists were reportedly beaten and detained, or otherwise harassed in 2010. In early January, the Tashkent prosecutor's office summoned six independent journalists for questioning about their activities. One of them, Abdumalik Boboev, was found guilty in October of various charges including defamation related to his work for Voice of America, and was heavily fined. Our Embassy met Mr Boboev and tried to monitor his court hearings. We were refused access to these hearings on three separate occasions, but were allowed access to his appeal hearing in November.

In February, we received reports that Dimitri Tikhanov, a member of the Human Rights Alliance of Uzbekistan, had been physically assaulted in Angren which resulted in his hospitalisation. The alliance alleged that his attackers referred to his regular internet reports about human rights breaches. It was reported that Mr Tikhanov had twice been refused an exit visa in 2010, without which it is not possible for Uzbek citizens to leave the country.

In February, Umida Akhmedova, a photojournalist and documentary filmmaker, was found guilty of "denigration" and "insult" in relation to the production of a photo album and documentary films depicting rural Uzbek life and traditions. She was later pardoned. The case was brought by the State Agency for Press and Information, the government media regulator. Our Embassy met Ms Akhmedova and monitored her court hearings.

In February, it became known that Maxim Popov had been sentenced to seven years in prison in September 2009 on charges relating to his work in combating HIV/AIDs in Uzbekistan, including producing a brochure on safe sex and the use of condoms which the authorities deemed did not "take into account national traditions, culture, and customs of peoples living in Uzbekistan". In March the EU carried out a formal *démarche* on the Ministry of Foreign Affairs in Tashkent, making clear its condemnation of Mr Popov's treatment and the harshness of his sentence, and highlighting in particular the lack of freedom of expression and opinion which characterised his case.

Russian journalist Vladimir Berezovsky was tried in October. As with Abdumalik Boboev and Umida Akhmedova, the case centred on the judgment of the Uzbek State Agency for Press and Information that his work represented "slander" and "insult" to the Uzbek nation. He too was found guilty but then pardoned.

In August, our Embassy offered to facilitate cooperation between the BBC World Service Trust and the relevant Uzbek authorities to help strengthen Uzbekistan's media sector in line with President Karimov's speeches. A working-level mechanism between our Embassy and the Uzbek authorities was put in place to discuss this further.

We raised issues of concern bilaterally and with EU partners, including through the EU-Uzbekistan Human Rights Dialogue. In its statement to the OSCE Review Conference in Warsaw on 7 October, the EU said that "extra-journalistic criminalisation of journalists and persons wishing to exercise their freedom of expression, and their imprisonment on questionable charges remain instruments of harassment and serious restriction of fundamental freedoms in some participating States, most notably in Azerbaijan, Uzbekistan and Kazakhstan." It also re-iterated the EU's "appeal to Turkmenistan and Uzbekistan to address this problem effectively".

Freedom of religion and belief

Freedom of religion remains a serious concern. Uzbekistan's legislation guarantees religious freedom, but the reality is different. The 1998 Law on Freedom of Conscience and Religious Organisations grants rights only to registered groups and bans proselytising. Registration is a complex and lengthy process and officially

registered "religious organisations" are subject to tight legal controls. All religious activity by unregistered groups is criminalised, leaving peaceful groups vulnerable to raids on their homes and meetings by the police and security services. They can also face interrogation, fines and even imprisonment. Many groups report having been denied registration on spurious grounds.

Muslims who do not follow the state-sponsored model are also vulnerable to arrest for perceived extremism. Large numbers of Muslims were reportedly sentenced on such grounds in 2010, often in closed trials. Other groups were also targeted by law enforcement agencies. For example, the Church of Christ's Tashkent premises were raided in May after allegations that religious teaching had been delivered to minors in contravention of Uzbek law. Eight members of the church were arrested and tried on various charges and received 15-day prison sentences or fines.

Women's rights

Gender discrimination is prohibited by Uzbek law. Women are generally well represented in senior positions. The Women's Committee of Uzbekistan was established in 1991 to promote the legal rights of women.

However, concerns persisted about the treatment of women. Independent human rights groups have reported allegations of female suspects being raped while in detention facilities and of an unofficial policy of forced sterilisation of women in poorer rural areas, as a means of controlling birth rates.

The Uzbek Ministry of Health worked with the EU and UNICEF to carry out the Mother and Child Health Project, which continued throughout 2010. The project centred on training and mentoring of health providers in low-cost, high-impact techniques. The British NGO HealthProm contributed to this project by delivering training in neonatal healthcare.

Children's rights

Uzbekistan is a signatory to the UN Convention on the Rights of the Child and according to Uzbek government statistics, more than 50% of the state budget is allocated to education, and literacy rates rose from 97.7% in 1991 to 99.3% in 2003.

The Uzbek labour code sets the minimum age for employment at 16 years, and the constitution prohibits forced labour. In February, an amendment was made to the code on administrative responsibility which stipulates that employers who fail to protect minors will be in violation of labour legislation. The amendment also made parents responsible for preventing minors from working in adverse conditions.

In his appearance before the UN Human Rights Committee in March, Akmal Saidov, director of the Uzbek National Human Rights Centre, said that the issue of child labour was an "absolute priority" for Uzbekistan. Uzbek officials denied that there was mass mobilisation of child labour in the cotton harvest.

However, child labour during the cotton harvest remained a concern. While it appears that there was an attempt in certain regions to limit the use of younger children during the 2010 cotton harvest and that the numbers of children employed on the harvest fell, credible independent reporting suggested that child labour continued to be deployed on a large scale. Our Embassy and the National Human Rights Centre agreed a working-level mechanism to facilitate greater dialogue on this issue.

Protection of civilians

The government of Uzbekistan took a measured and constructive approach to the humanitarian crisis that followed the violence in neighbouring Kyrgyzstan in June. It responded with commendable speed, allowing around 100,000 displaced persons to cross

into Uzbek territory. Uzbekistan cooperated closely with the relevant UN agencies and mobilised significant resources to put in place temporary accommodation and to provide food and medical facilities.
