

Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Uzbekistan

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While there were some positive developments during 2012, we continued to have significant human rights concerns in Uzbekistan, in particular about the lack of freedom of expression, severe restrictions on political activity and on religious activity outside a state-approved framework, and the alleged use of torture by law enforcement officials. There remained a significant gap between government rhetoric and legislation, and the protection of human rights.

November 2010's "Concept for the Further Deepening of Democratic Reforms and Establishment of Civil Society" continued to set the framework for the development of the Uzbek government's declared human rights policy. President Karimov cited the "Concept" in a December speech as a long-term national strategy. In Uzbekistan, 2012 was the "Year of the Family" and saw legislation and a number of large funding projects to improve family well-being and opportunities for women, including in business. The government put forward a number of new pieces of human rights-related legislation during the year, emanating from the "Concept", including a law on criminal investigations, which set out the rights of citizens in investigations and stipulated that no one should be subjected to torture. Another apparently positive step was the creation of a working group under the Minister of Justice to study the observance of human rights by law enforcement and other state agencies. However, a significant gap remained between government rhetoric, legislation and the protections in Uzbekistan's constitution, and the actions of the authorities in practice.

In 2012, we sought to expand our cooperation with the Uzbek authorities on human rights issues. We have made some progress on joint project work. In addition to criminal justice reform issues, the UK focused on further enhancing parliamentary links. Visits by UK ministers and parliamentarians including Baroness Warsi, now FCO Senior Minister of State, Baroness Stern and

Lord Waverley further enhanced parliamentary ties and led to the establishment of an exchange project for parliamentary clerks.

The UK continued to raise its concerns with the Uzbek government during 2012 about the use of forced labour, including forced child labour, in the cotton harvest. Like many in the international community, we welcomed the fact that in 2012 there was no mass mobilisation of children under the age of 15 for the cotton harvest.

Additionally, the UK concentrated on freedom of expression issues, and engagement with the human rights defender community in Uzbekistan. The overall climate for freedom of expression and assembly worsened during 2012. It remained challenging to work with and support the efforts of human rights defenders in a deteriorating operating environment. There were some high-profile releases of activists in detention, but others were harassed, arbitrarily detained or forced to leave the country.

The government plans to pass new laws during 2013 on public transparency, social partnership and legal precedence with the stated aim of strengthening civil society's role in protecting constitutional rights. Other legislation coming into force will include amendments to the electoral code in advance of parliamentary and presidential elections in 2014 and 2015 respectively. Uzbekistan has its second Universal Periodic Review in May 2013 and will also be required to submit a report on its obligations under the Convention against Torture. In 2013, the UK will continue to work towards close cooperation with government agencies to improve human rights protection in the country, taking forward projects in criminal justice reform and parliamentary engagement, including a project linking parliamentarians to their constituents. Despite the difficult environment, we will continue in meetings, outreach and advocacy, to support the rights of human rights defenders and independent journalists to do their work free of harassment or risk of arbitrary detention.

Freedom of expression and assembly

In late 2012, the Uzbek parliament passed new legislation on freedom of speech on the Internet and on television, as part of a package of laws emanating from the "Concept for the Further Deepening of Democratic Reforms and Establishment of Civil Society". Despite these legislative improvements, the year saw further deterioration of freedom of expression and assembly. There were several reports of arrests of those who chose to speak out against areas of concern (for example on the use of forced labour in the cotton harvest) or advocate citizens' rights (for example membership of independent trade unions).

Uzbekistan's print media is dominated by state-controlled publishers, and the state also largely controls the printing and distribution infrastructure. Self-censorship remained widespread in 2012. Online content expressing opposition views was blocked inside Uzbekistan, as were several international news outlets' websites, including Deutsche Welle, Voice of America and Radio Free Europe's Uzbek Service. The government continued its tight control on access to Uzbekistan by foreign journalists. BBC journalist Natalia Antelava was detained in Uzbekistan's airport in March and subsequently put on a plane to Almaty, Kazakhstan without being allowed to enter Uzbekistan. Independent journalists operating abroad reported so-called "denial of service" attacks on their opposition news services. The number of independent Uzbek journalists attempting to continue their work inside Uzbekistan further diminished in 2012, following a concerted campaign against

Elena Bondar, who eventually left the country during the summer of 2012. Viktor Krymzalov, Pavel Kravets and Said Abdurakhimov also experienced pressure in the form of harassment.

The UK sponsored a project focusing on the link between the development of civil society and freedom of the media. The project also looked at how the legislature is scrutinised and held accountable by parliament and the media. In an overall tightening environment for freedom of expression, and renewed pressure on independent voices (for example the actions of the authorities against independent journalists, listed above), the impact of such project work was limited, but it is a platform on which to try to build in partnership with other organisations during 2013.

There was little or no opportunity for Uzbeks to exercise their right to peaceful assembly during 2012, due to pressure on citizens not to gather. We know of five attempts to bring together groups of citizens to protest about specific issues including gas shortages and the detainment of individuals on religious extremism charges. In each case they were broken up by the law enforcement agencies, and in several cases the individuals concerned were warned or detained. Human rights defenders Adelaida Kim and Elena Urlaeva of the unregistered Human Rights Alliance were among those arrested during 2012 for attempting to protest. Opposition party Birdamlik reported pressure on members attempting to join peaceful protests.

Uzbekistan's constitution allows for independent political parties. In practice however, there was no genuine opposition to the government in 2012. There are severe restrictions on the registration of new parties and the nomination of candidates. New legislation brought in at the end of the year, and expected to come into force in 2013, may simplify some procedures.

Human rights defenders

During 2012, 45,383 Uzbek and foreign nationals were reportedly released or had the charges against them dropped in the 2011-12 amnesty of prisoners. Strict rules on the terms under which serving prisoners could be released meant that no imprisoned human rights defenders, political prisoners or journalists fell under the amnesty. Separately, during 2012, Alisher Karamatov and Habibula Okpulatov of the Human Rights Society of Uzbekistan were released, having served nearly six years and just over seven years respectively. We welcomed these releases, while continuing to call for the release of all imprisoned human rights defenders, political prisoners and independent journalists.

Human rights defenders reported difficult detention conditions, including in the Jaslyk Special Regime Colony, where Azamjon Formonov, Chairman of a local branch of the Human Rights Society of Uzbekistan, has been imprisoned since 2006. Acute humanitarian concerns were also reported at other facilities in the cases of Akzam Turgunov and Dilmurod Saidov. Two leading members of opposition Erk party saw their prison terms extended during 2012. Murad Juraev, former member of the Supreme Council of Uzbekistan, was jailed for eight years in 1994. He has now served 18 years and in December saw his prison term extended for the fifth time, for a further three years. Mohammad Bekjanov, former editor of Erk newspaper, member of the Human Rights Society of Uzbekistan, and brother of Mohammad Salikh (head of the opposition umbrella group, People's Movement of Uzbekistan), saw his term extended for a further five years, just a few days before his expected release in January. In both cases the Erk members were charged with infringement of prison rules.

The International Committee of the Red Cross (ICRC) has an agreement with the Uzbek government which grants it access to Uzbek prisons. The ICRC does not share its findings with those outside the Uzbek government. However, several cases were reported in opposition news websites during the year of political prisoners and human rights defenders being moved or concealed during ICRC visits. A human rights defender in prison reported bad treatment from prison officials following his meeting with ICRC representatives.

Those human rights defenders at liberty continued to report harassment and pressure throughout 2012. A pattern emerged whereby a case against a person would be opened following low-level harassment such as verbal threats including against family members, surveillance, detention in psychiatric hospital and, in one case, beatings on the street. In each instance observed by the British Embassy, evidence was weak and authorities appeared to attempt to prevent access by independent observers to the trial. Several individuals who experienced such treatment and were informed by law enforcement agencies that the result of the trial was preordained, left Uzbekistan during 2012 to seek asylum overseas. The whereabouts of Jamshed Karimov, an independent journalist and activist, and nephew of the Uzbek President, remained unknown during 2012 after his reported disappearance following his release from a psychiatric hospital in late 2011.

Access to justice and the rule of law

The past year saw several positive developments in Uzbekistan's reform efforts in rule of law and access to justice, including ongoing training and cooperation with the OSCE to enhance the professional skills of judges, lawyers and officials; and several new laws and amendments to legislation, expanding *habeas corpus* and setting out the rights of citizens in criminal investigations by law enforcement agencies. The UK is one of three European partners helping to deliver a €10 million EU criminal justice reform project, launched in February. The UK's involvement was primarily focused on police and prison reform, and included the secondment of a long-term expert from the National Police Improvement Agency.

Despite these positive developments, the pace of reform remained very slow. The experience of Gulnoza Yuldasheva, who appealed to local authorities for support in investigating a human-trafficking ring and was subsequently herself targeted and eventually sentenced to prison, highlighted serious issues with access to justice for Uzbek citizens. There were cases throughout the year to which all access by observers was refused, including in the trials of around 35 people in September on charges including the "illegal establishment of religious organisations". Human rights groups expressed concern that these trials were based on fabricated charges, and that subsequent appeals appeared to have pre-determined outcomes.

A Tajik citizen, Said Ashurov, former chief metallurgist at Amantaytau Goldfields, remained in prison for espionage; the credibility of the case against Mr Ashurov remained in doubt. The British Government continued to urge the Uzbek authorities to consider Mr Ashurov's release at the earliest opportunity.

Uzbekistan was ranked 170 out of 174 countries in Transparency International's 2012 Corruption Perceptions Index. Uzbekistan's 2008 national anti-corruption programme was not fully implemented. Nevertheless, fighting corruption remained high on the government's stated list of priorities and several measures were taken, including amending the rules governing the activities of

traffic police, and the arrest of several individuals in high-ranking positions on charges of corruption.

Torture

Given ongoing restrictions on the access of international organisations to prisons and detention centres, and tight controls on the flow of information, it remained difficult to substantiate allegations of torture and of cruel, inhuman and degrading treatment. Serious allegations emerged during the year, including the death of an inmate as a result of injuries inflicted by torture, lengthy periods of isolation for political prisoners and human rights defenders, and regular beatings.

We welcomed positive legislative developments, including the expansion of *habeas corpus* legislation. UK project work in this area was linked to helping to bridge the gap between existing and new legislation, and its implementation. In high-level encounters with the Uzbek authorities, the British Embassy continued to urge the return of the UN Special Rapporteur on Torture – who has not visited Uzbekistan since 2002 – and for Uzbekistan to ratify the Optional Protocol to the Convention against Torture. The UK invited leading penal reform expert Baroness Vivien Stern CBE to Uzbekistan in March to launch a new phase of UK-Uzbekistan cooperation on prison reform issues. Baroness Stern's visit led to the launch of a project with the National Human Rights Centre, sharing experience of the UK system of independent monitoring of prisons by citizens. Access to prisons by foreign organisations is severely limited but in late 2012, the British Embassy was for the first time granted permission to visit an "open" prison.

Freedom of religion or belief

Uzbekistan's constitution protects freedom of religion or belief. However, many laws were used by the government to restrict this freedom, including tight control of registration of religious organisations. Reports of harassment of individuals practising their faith outside state controls included raids on Baptist churches and fines on individuals, the arrest and imprisonment of several Jehovah's Witnesses, and the imprisonment and lengthy sentences of up to 80 Muslims charged with terrorism and religious extremism offences.

Children's rights

UK work in support of efforts to abolish the use of forced child labour in the cotton harvest, through greater diversification of agricultural produce, included the funding of a bio-laboratory in Andijan Agricultural University.

International Labour Organization monitors did not monitor the cotton harvest in 2012. Monitoring by embassies, UNICEF and other international organisations cannot replace full, independent and substantive monitoring by the International Labour Organization. However, in 2012, these organisations were given unfettered access by the Uzbek authorities to the cotton harvest, and attempted to observe as widely as possible. No forced mass mobilisation of children aged under 15 was observed. We welcome this progress and encourage further efforts towards full implementation of Uzbekistan's obligations under International Labour Organization conventions.

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