

ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process

Participating/Partner State: Uzbekistan

UPR Session and Date of Review: 30th Session, May 2018

Background

Uzbekistan has been a participating State in the former Conference for Security and Co-operation in Europe (CSCE) and the present Organization for Security and Co-operation in Europe (OSCE) since 1992 and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Uzbekistan, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area.

The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Uzbekistan and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Uzbekistan.

Overview of this Submission

This submission contains a description of election related activities undertaken by ODIHR in the past four years.

The findings of the Final Reports of the Election Observation Mission (EOM) on the 29 March 2015 presidential and 21 December 2014 parliamentary elections are summarized below.

The authorities in Uzbekistan and other sources have provided information to ODIHR most recently for its most recent (2015) annual report on *Hate Crimes: Incidents and Responses*. Extracts from this information are included below.

Protection of human rights defenders in other OSCE participating States and beyond the OSCE region, right to access and communicate with international bodies, right to private life, freedom of movement and human rights work within and across boundaries, access to funding and resources, laws, administrative procedures and requirements governing the

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

operation of NGOs, regulatory restrictions on freedom of peaceful assembly, freedom of the media, human rights defenders, fair trial, legislation, rule of law and migration and freedom of movement.

Election-related activities

In the reporting period, ODIHR observed the 4 December early presidential election and for the first time has deployed a full-fledged EOM for this election. Prior to this, ODIHR has deployed Limited Election Observation Missions to the 29 March 2015 presidential and 21 December 2014 parliamentary elections.

Early Presidential Election, 4 December 2016

Overall, ODIHR's final report² concluded that the 4 December presidential election underscored the need of comprehensive reform to address long-standing systemic shortcomings. Although the election administration undertook measures to enhance the transparency of its work and prepared efficiently for the election, the dominant position of state actors and limits on fundamental freedoms undermined political pluralism and led to a campaign devoid of genuine competition. Significant irregularities were noted on election day, including indications of ballot box stuffing and widespread proxy voting, despite a concerted campaign to address the latter.

The final report, published on 22 March 2017, offered 24 recommendations to improve the conduct of elections and increase the transparency of and public confidence in the electoral process. The review of limitations on fundamental rights, the harmonization of electoral laws and the removal of restrictions on the rights of individuals to vote and run as candidates are some of the report's main recommendations.

While noting that technical preparations for the elections were managed competently, the report recommends a clear distinction be made between the roles of election commission members and other officials, so that the electoral process is administered only by authorized individuals. The report also recommends the development of a centralized voter register that is regularly updated and allows for cross-checks.

To enhance transparency and confidence in the election results, the report recommends that clear and open procedures for the counting of votes be established and strictly implemented, while preliminary and final results should be made publicly available, including online, in a timely manner, with a complete breakdown of voting by polling station.

The report also recommends amending the electoral legal framework to allow for observation by non-partisan civil society organizations. Moreover, to provide effective means of redress, the law should be amended to allow voters, parties, candidates and observers to file complaints on any aspect of the electoral process.

In May 2017, the Uzbek authorities invited ODIHR to present recommendations from the final report. The follow-up visit, the first of its kind in Uzbekistan, took place on 2-5 July 2017. It enabled frank discussions with the senior Uzbek stakeholders, including with the

² The report is on the 4 December 2016 early presidential election is available at <http://www.osce.org/office-for-democratic-institutions-and-human-rights/elections/uzbekistan/306451>.

representatives of the National Human Rights Centre, on the limits and possible pace of the reform process in Uzbekistan.

Parliamentary elections, 21 December 2014

Overall, ODIHR Limited EOM deployed to observe 21 December 2014 parliamentary elections in Uzbekistan concluded that the “elections were competently administered but lacked genuine electoral competition and debate.” The final report issued on 24 February 2015 recommended the review of limitations on fundamental rights, such as freedoms of association and expression, as well as the rights of individuals to vote and run as candidates.³ It also recommends measures to increase transparency and public confidence and calls for a concerted effort by election officials, political parties and civil society to address practices of multiple, proxy and group voting, which contravene the principles of equal suffrage and secrecy of the vote.

Legislation reviewed by ODIHR

Upon request by authorities of a participating State, and OSCE field operation or another OSCE institution, ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Venice Commission of the Council of Europe, are available at www.legislationline.org.

Basic information about the constitutional system and legislation of Uzbekistan is available on www.legislationline.org.

Between 1 January 2013 and 25 September 2017, ODIHR conducted one legal review of legislation of Uzbekistan relating to issues other than elections. The legislation in question was concerned with criminalizing acts of torture and other cruel, inhuman or degrading treatment or punishment. ODIHR’s main recommendations are summarized below.

ODIHR Opinion on Article 235 of the Criminal Code of the Republic of Uzbekistan (10 June 2014)

This opinion was requested by the National Human Rights Centre of the Republic of Uzbekistan.⁸ It assessed the compliance of Article 235 of the Criminal Code (the criminalization of torture and other cruel, inhuman and degrading treatment or punishment) with relevant international human rights standards, including OSCE commitments. ODIHR recommended a number of changes to this provision, namely:

- explicitly include discrimination among the listed purposes for inflicting torture
- extend the definition of torture to acts or omissions committed by “other persons acting in an official capacity”, so that it apply to a wide range of professionals such as health professionals and social workers, defence/security services, border management and immigration officials

³ The Final report on the 21 December 2014 parliamentary elections is available at <http://www.osce.org/odihr/elections/uzbekistan/132836>.

- broaden the applicability of Article 235 to public officials and other persons acting in an official capacity who instigate, consent to or acquiesce in torture perpetrated by non-State officials or private actors and by personnel under their command
- expressly exclude the application of general provisions of the Criminal Code pertaining to defences, amnesties and pardons, as well as statutes of limitations, to the criminal offense of torture and other cruel, inhuman or degrading treatment or punishment
- remove the reference to “correctional work” in Article 235 and replace it, and other penalties mentioned therein with penalties that are commensurate with the gravity of the offence
- expressly include not only acts but also omissions (meaning failure to act) in the definition of torture
- remove the word “unlawful” from Article 235 and expressly clarify that the prohibition contained therein does not apply to pain or suffering arising only from, inherent in or incidental to lawful sanctions
- delete references to “a suspect, accused, witness, victim or any other party at a criminal proceeding, or a convicted person serving a sentence” and specify instead that Article 235 shall apply to any individual

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their implementation of those commitments. In this context, ODIHR reports at <http://hatecrime.osce.org/> to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR’s data on hate crime is launched online each year on 16 November, covering information from the past calendar year. ODIHR also helps participating States design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

Information concerning Uzbekistan in the most recent (2015) edition of the annual hate crimes reporting⁴ includes the following:

- **Overview of officially reported data**

Uzbekistan has reported information on hate crimes to ODIHR. Uzbekistan’s hate crime provisions⁵ consist of general and specific penalty enhancements and a substantive offence. Authorities responsible for collecting data are the Interior Ministry, the police and the General Prosecutor’s Office and the National Security Service.

The annual 2015 figures included 0 hate crimes recorded by the police, five prosecuted and no information is available on sentenced for hate crime.

⁴ Available at <http://hatecrime.osce.org/uzbekistan>.

⁵ Available at <http://www.legislationline.org/topics/country/55/topic/4/subtopic/79>.

- **Overview of incidents reported to ODIHR by civil society**

• Bias Motivation	Attacks Against People		Attacks Against Property
	Violent Attacks	Threats	
Racism and xenophobia	0	0	0
Anti-Semitism	0	0	0
Bias against Muslims	0	0	0
Bias against Christians and members of other religions	3	0	0
Bias based on sexual orientation and gender identity	0	0	0
Total	0	0	0
Grand Total	3		

The following civil society organizations reported information on incidents to ODIHR

Bias against Christians and members of other religions

- Jehovah's Witnesses – Uzbekistan reported three incidents in which women were beaten

Roma and Sinti issues

N/A

Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)

Migration and Freedom of Movement

To address the challenges of developing gender-sensitive national labour migration policies ODIHR in co-operation with OCEEA and the OSCE Programme Office (then - the OSCE Centre in Astana organized a two-day regional training on gender-sensitive labour migration policies in Almaty (on 7 and 8 October 2013), gathering 25 participants from national authorities, civil society actors and OSCE Field Operations of five OSCE participating States (Kazakhstan, Uzbekistan, Turkmenistan, Tajikistan and Kyrgyzstan).

Rule of Law

ODIHR conducted a number of activities over the past years to assist the Uzbek authorities in strengthening the rule of law through judicial reform. In particular, ODIHR conducted expert conferences with a view to providing recommendations and policy advice for criminal justice reform.

During the reporting period, ODIHR assisted Uzbekistan in further reforming its criminal justice system in compliance with international norms and OSCE commitments.

In the context of completed and ongoing criminal justice reforms taking place in Uzbekistan and throughout Central Asia, ODIHR organized the Sixth Expert Forum on Criminal Justice for Central Asia on 24-25 November in Bishkek, Kyrgyzstan and on 16-18 November 2016 in Tashkent, Uzbekistan. The organization of the Forum was done in co-operation with

OSCE Field Operations in Central Asia and the United Nations Office on Drugs and Crime (UNODC). The events were organized with the aim of providing a regional platform for exchange of good practices and discussion on international standards and OSCE commitments in the area of criminal justice reform. Representatives of the judiciary, prosecution, attorneys, academics and civil society actors from Uzbekistan participated.

ODIHR is also contributing to the strengthening of judicial independence in Uzbekistan. In November 2017 a seminar for the newly established High Judicial Council will take place in Tashkent to build the capacity of the Uzbek counterparts on international standards related to judicial independence and accountability and to inform about the best practices in the activity of judicial self-governing bodies to ensure judicial independence and accountability.

Criminalization or arbitrary and abusive application of legislation related to human rights defenders

Uzbekistan highlighted [to ODIHR] several safeguards of judicial control, but also observed that “activities of human rights defenders must not encroach on the lawful interests, rights and freedoms of other persons, the state and society”, listing a range of criminal liabilities related to participation in public assemblies and associations. Two human rights NGOs from Uzbekistan independently alleged that the government selectively applied those legal restrictions to criminalize peaceful human rights-related activities of human rights defenders. One of the NGOs identified nine cases of human rights defenders (including independent lawyers and journalists, among others) who had allegedly been arrested, tortured and sentenced to long prison terms, after denial of their fair-trial rights. Human Rights Watch reportedly verified the same pattern of abuse, and independently identified the same defenders as having been convicted on politically motivated charges, among other activists.⁶

Arbitrary detention of human rights defenders and treatment in detention

Uzbekistan reported that it had received “no complaints or other types of petitions concerning violations against human rights defenders, including unlawful detention or torture” during the reporting period. However, the UN Human Rights Committee reported in August 2015 that it had received “numerous reports” of arbitrary detention, torture and ill-treatment in detention against “human rights defenders, government critics and persons convicted of religious extremism or of membership in Islamic movements banned in the State party”.⁹¹ The UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in November 2015 also expressed concerns over gender-based discrimination, including “the forced sterilization, illtreatment and abuse of women human rights defenders in detention”, and their inability to lodge complaints about their ill-treatment.⁷

Such reported abuses were also reported by three human rights defenders from Uzbekistan, who informed ODIHR of their being subjected to arbitrary detention, torture and other ill-treatment. One woman human rights defender informed ODIHR she was subjected to arbitrary detention, torture and ill-treatment, including forced sterilization and gang rape. During the reporting period, the UN Human Rights Committee found in its decision on the

⁶ See, Human Rights Watch statement, “Uzbekistan: 3 More Years for Long-Held Activist – President Should Amnesty Political Prisoners” (4 November 2016); available at: <http://www.hrw.org/news/2016/11/04/uzbekistan-3-more-years-long-held-activist>.

⁷ CEDAW Committee, Concluding observations on the fifth periodic report of Uzbekistan (24 November 2015), UN Doc. CEDAW/C/UZB/CO, at paras. 31-32.

individual complaint of that woman defender that she had been arbitrarily detained on account of her political opinion and activities, denied fair-trial rights, and was subjected to torture and ill-treatment, including rape and forced sterilization, which additionally constituted discrimination on the basis of her sex.⁸ Two of three human rights defenders who informed ODIHR of the practice of forced sterilization in places of detention were from the Republic of Karakalpakstan, an autonomous republic within Uzbekistan. One defender also alleged that authorities attempted to kidnap her while abroad, and had abducted, tortured and abused her family members as collective punishment in retaliation for her human rights activities. Both the CEDAW Committee and the Human Rights Committee called on Uzbekistan to facilitate independent monitoring of places of detention, in order to prevent further torture and ill-treatment, and to effectively investigate, prosecute and punish the perpetrators of such abuses.

Fair trial

ODIHR received reports from human rights defenders and other actors of judicial irregularities and the denial of fair trial rights of human rights defenders in a range of countries, including Azerbaijan, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, and Ukraine and Uzbekistan. Those reports have detailed surveillance, threats, attacks and other forms of retaliation against lawyers for representing human rights defenders in politically contentious cases. As noted in cases described above, human rights defenders have also reported to ODIHR that their arbitrary detention and ill-treatment were followed by politically motivated prosecutions, convictions and heavy sentences against them, in some cases without a corresponding factual basis. In other cases, confidentiality of communications with legal representatives has been denied; torture and ill-treatment have been used to extract forced confessions; or equality of arms and the right to an effective remedy have been otherwise undermined through retaliatory threats and criminal procedures against defense attorneys representing human rights defenders.

In Uzbekistan, the human rights organization “Fiery Hearts Club” also reported a range of fair-trial violations, arising from the aforementioned case of *M.T. v Uzbekistan*.⁹ When the complainant’s defense attorney in that case (who was also the complainant’s sister) publicized cases of torture in Uzbek prisons, authorities allegedly threatened attacks on her family members in retaliation. Other lawyers had reportedly refused to defend the complainant, due to threats and intimidation. In May 2014, when the same human rights defender organized an event dedicated to the ninth anniversary of the Andijan events, she reportedly was tried in absentia and had her Uzbek citizenship revoked. When she initiated a tenth-anniversary campaign in 2015, authorities allegedly initiated a smear campaign against her grandchildren, and a trial in absentia in Uzbekistan of her daughter and her husband, who also lived in exile in Europe. The UN Human Rights Committee has observed that trials in absentia should be exceptional, and when necessary “the strict observance of the rights of the defense is all the more necessary.”¹⁰

⁸ See Human Rights Committee, *M.T. v Uzbekistan*, Communication No. 2234/2013, UN Doc. CCPR/C/114/D/2234/2013 (1 October 2015).

⁹ *Ibid.*

¹⁰ See, Article 14(3)(d) of the ICCPR; and UN Human Rights Committee, *General Comment 13 – Administration of justice* (Article 14), available at: http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_GEC_4721_E.doc.

Smear campaigns against human rights defenders

Human rights defenders also reported constant smear campaigns against them in the pro-government media of several OSCE participating States, including: Azerbaijan, Belarus, Kazakhstan, the Russian Federation, Serbia and Uzbekistan. The media reportedly fixated on human rights defenders' receipt of foreign grants for their work, branding them as criminals (Uzbekistan), a "fifth column" (Russian Federation).

Freedom of the media

Other OSCE participating States also highlighted a range of restrictions on freedoms of expression and the media, including criminal penalties for reporting on State secrets (e.g. Turkey and Ukraine) and criminal defamation (e.g. Italy, Lithuania, Poland, and Uzbekistan).

In 2015, the UN Human Rights Committee identified similar trends of restrictions on freedom of the media in Uzbekistan. The Committee expressed particular concern over: "*consistent reports of harassment, surveillance, arbitrary arrest and detention, torture and ill-treatment by law enforcement officers and prosecutions on trumped-up charges of independent journalists, government critics and dissidents, human rights defenders and other activists, in retaliation for their work. It is also concerned about reports that freedom of expression on controversial and politically sensitive issues is severely restricted in practice, that websites providing such information are blocked and that news agencies are forbidden to function.*"¹¹ The Committee called on Uzbekistan to immediately provide "effective protection of independent journalists, government critics and dissidents, human rights defenders and other activists" from such practices, as well as to investigate, prosecute and punish those violations.

Regulatory restrictions on freedom of peaceful assembly

Uzbekistan informed ODIHR of a wide range of serious restrictions and criminal penalties for the unlawful organization of, or participation in, public assemblies. The scope and number of those restrictions, as well as the imposition of both administrative and criminal liability for violations of them, appear to violate international standards on the right to freedom of peaceful assembly.¹² In July 2014, Uzbekistan adopted new "Rules for Holding Mass Events",¹³ which require organizers of assemblies to apply for a permit at least one month prior to the planned event, through commissions established on the district, city and regional levels.¹⁴ The Rules further prohibit the organization of public assemblies: (a) without a permit; (b) by anyone previously imprisoned; (c) by anyone found guilty of violating the

¹¹ See, UN Human Rights Committee, Concluding observations on the fourth periodic report of Uzbekistan (17 August 2015), UN Doc. CCPR/C/UZB/CO/4.

¹² The Criminal Code prescribes criminal liability for: "incitement to participate in the activities of illegal public associations and religious organizations" (Article 216.1); "violation of the procedure for the organization and holding of gatherings, rallies, street processions or demonstrations" (Article 217); "management of an unauthorized strike or obstruction of the work of an enterprise, institution or organization in the state of emergency" (Article 218).

¹³ Government Resolution No. 205 of 29 July 2014, "On Measures to Further Improve the Procedure for Holding Mass Events".

¹⁴ The decisions of those commissions are subject to appeal. According to Uzbekistan, commissions on the control of mass events are established within the Council of Ministers of the Republic of Karakalpakstan, regional hokimiyats, the Hokimiyat of Tashkent or city or district hokimiyats.

rules for holding mass events more than once during the previous year; (d) by NGOs whose activities were legally suspended or prohibited; and (e) subject to a long list of other broad claw-back provisions.¹⁵ While violations of the rules and procedures for organizing any type of public assembly generate administrative liability, second-instance offences give rise to criminal liability.¹⁶

Laws, administrative procedures and requirements governing the operation of NGOs

Uzbekistan informed ODIHR of two Constitutional principles on the right to freedom of association, which in ODIHR's view could potentially be subject to abuse, namely: "*public associations (trade unions, political parties, other associations) must be registered in accordance with the procedure prescribed by law; [and] state authorities and officials do not interfere with the work of public associations and public associations do not interfere with the work of state authorities and officials*" (*emphasis added*). One human rights NGO in Uzbekistan informed ODIHR that the requirement of NGOs to register results in sanctions for unregistered NGOs; and, for registered NGOs, results in a complicated process of registration¹⁷ that leads ultimately to other stifling bureaucratic procedures, licenses and requirements of permission for certain activities, as well as restrictions on access to foreign funding. In its 2015 concluding observations on Uzbekistan, the UN Human Rights Committee expressed concern, in relation to the right to freedom of association, "about unreasonable, burdensome and restrictive requirements for registering political parties and public associations, as well as other obstacles to the work of human rights non-governmental organizations."¹⁸

Access to funding and resources

In their correspondence with ODIHR, human rights NGOs from nine OSCE participating States (including Azerbaijan, Russian Federation and **Uzbekistan**) identified legal or administrative restrictions on access to funding as a core challenge in conducting their work. In addition to domestic sources of funding often being cut off to NGOs and individuals presenting critical views, their ongoing funding by foreign sources reportedly exposed them to criminal prosecutions for alleged money laundering, tax evasion, or other financial crimes. Examples of such criminal prosecutions of human rights defenders for politically motivated "financial crimes" are described above in Section 1.2.295.

¹⁵ Those claw-back provisions include the following: "It is also prohibited to hold events aimed at destroying the moral fabric of the society or universal human values, unlawful change of the constitutional order or violation of the territorial integrity of the Republic of Uzbekistan, promotion of war, violence or cruelty, incitement of social, racial, national or religious hatred, or committing other actions prohibited by law. Organizers of mass events have the right, in accordance with the established procedure, to appeal to a higher authority or to a court against refusal to issue a permit and against the actions or omissions of a commission's official or an authorized body."

¹⁶ Uzbekistan's Code on Administrative Responsibility imposes liability for violation of the rules for holding mass events (Article 200), and violation of the procedure for organizing and holding gatherings, rallies, street processions and demonstrations (Article 201). In accordance with Article 217, the same offences committed after the imposition of an administrative penalty give rise to criminal liability.

¹⁷ The NGO noted in particular that the regulation to register an NGO requires the submission of 35 documents and forms in order to register an NGO. See, the Regulation on Procedure on State Registration of Non-Governmental and Non-Commercial Organizations (10 March 2014), available at: http://www.lex.uz/pages/GetAct.aspx?lact_id=2356874. See also, ICNL, "Civic Freedom Monitor: Uzbekistan" (updated 6 January 2017), available at: <http://www.icnl.org/research/monitor/uzbekistan.html>.

¹⁸ Human Rights Committee, Concluding observations on the fourth periodic report of Uzbekistan (17 August 2015), UN Doc. CCPR/C/UZB/CO/4, at paras. 17-18.

Freedom of movement and human rights work within and across boundaries

In contrast, Uzbekistan provided an extensive list of grounds for denying its own citizens the right to leave the country (as they are required to obtain exit visas), as well as for denying the entry of foreigners.¹⁹ During the reporting period, Uzbekistan reported that there were no known cases of human rights defenders being subjected to bans on travelling abroad or within the country. However, one human rights NGO in Uzbekistan informed ODIHR that the exit visa system “is selectively applied against human rights defenders,” and that “there are numerous cases when human rights defenders and other civil activists are denied exit visas, and thus restricted from the freedom of movement to foreign countries.” According to the NGO, the exit visa system was amended in 2011 to include a newly restrictive sub-provision, which is (a) vague and undefined, (b) absent from other Uzbek laws, (c) not subject to appeal, and (d) applied in practice to prohibit human rights defenders’ exit from Uzbekistan, without explaining the reasons why.²⁰ The provision appears to lack legal clarity, and is allegedly applied arbitrarily to restrict the movement of human rights defenders on the prohibited ground, under international law, of political or other opinion.

In August 2015, the UN Human Rights Committee voiced concern to Uzbekistan that it “still retains the exit visa system and [...] prevents the travel of human rights defenders, independent journalists or members of the political opposition abroad by delaying the issuance of exit visas”. The Committee called on Uzbekistan to “abolish the exit visa system”.²¹

Right to private life

In seven OSCE participating States, including Uzbekistan, human rights defenders reported violations of the right to privacy. The allegedly excessive interference comprised surveillance and wiretapping of human rights defenders in all seven States, including electronic surveillance in at least four (Tajikistan, the United Kingdom, the United States, and Uzbekistan). In Uzbekistan, a human rights NGO also reported such commonplace surveillance of its email and other communications that it indicated it was unsafe to share confidential information about specific cases, out of fear for reprisal against individuals identified.

¹⁹ The grounds for such decisions were provided, respectively, from: the Resolution of the Cabinet of Ministers No. 8 (6 January 1995), “On the Approval of the International Travel Procedure for the Citizens of the Republic of Uzbekistan and Regulation on the Diplomatic Passport of the Republic of Uzbekistan”; and Resolution of the Cabinet of Ministers No. 408 (21 November 1996), “On the Procedure for the Entry, Exit, Residence and Transit of Foreign Citizens and Stateless Persons in the Republic of Uzbekistan”.

²⁰ The NGO reported to ODIHR: “In 2011, the State adopted amendments to existing laws (Law on Exit visa) and 2015 (Law on Citizenship). According to the amendment to the Law on Exit Visa, the State provided itself with another vague provision to deny visa to its citizens. This provision literally states: ‘h) if Ministry of Interior or Ministry of Foreign Affairs has information from the competent organs that a person, being outside of the country, breached laws of the country of residence (the list of violations is determined by competent organs), and also information, showing inexpediency of exit – up to two years from the day of including to the list.’ Furthermore, according to the same law, this particular provision (h) is prohibited for further appeal in court or administrative organs. The terminology of ‘inexpediency of exit’ is not provided in any other legal document of Uzbekistan and it is confidential even to the person rejected exit visa. This law is not only vague, it also contradicts international obligations of Uzbekistan regarding freedom of movement. According to this provision of law, a citizen of Uzbekistan may be rejected from travelling outside of Uzbekistan without even knowing the reason and unable to appeal this decision. It should be noticed that exactly this part of the provision (h) is applied against human rights defenders in Uzbekistan.”

²¹ UN Human Rights Committee, Concluding observations on the fourth periodic report of Uzbekistan (17 August 2015), UN Doc. CCPR/C/UZB/CO/4, at para. 20.

Right to access and communicate with international bodies

Some OSCE participating States including Uzbekistan reported that they facilitate human rights defenders' access to and communication with international bodies. Uzbekistan reported that its Foreign Ministry helps to coordinate meetings of the representatives of international organizations with Uzbek human rights defenders.

Protection of human rights defenders in other OSCE participating States and beyond the OSCE region

Several of the human rights defenders interviewed or corresponded with in the research for this report were living in exile in OSCE participating States that had given them safe haven from political persecution in their home countries (Azerbaijan, the Russian Federation, Tajikistan and **Uzbekistan**).

Other assessments and recommendations contained in ODIHR reports on thematic human issues

N/A