

Re-submitted on 1 May 2023

**Stakeholder Submission
to the UN Human Rights Committee
in Advance of the 44th Session (October-November 2023) of Universal Periodic
Review
(4th cycle) of Uzbekistan**

Justice for Journalists Foundation (JFJ) is pleased to offer this submission to the 44th Session of the Human Rights Council Working Group for the fourth cycle of the Universal Periodic Review (UPR) of Uzbekistan. JFJ is a British non-governmental organisation (Registered Charity 1201812) created in 2018, which has been monitoring, analysing, and publicising attacks against media workers¹ that took place since 2017 in 12 post-Soviet states, including Uzbekistan.

Executive Summary

JFJ welcomes the opportunity to contribute to the UPR of Uzbekistan. This submission focuses on the persecution of media workers and media outlets since the consideration of Uzbekistan's third periodic report in May 2018 and Uzbekistan's compliance with its obligations enshrined in Articles 7, 9,10,12, 14, 15, 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR).

Persecution of media workers and media outlets

Since consideration of Uzbekistan's previous periodic report in 2018, some positive changes have been observed in connection to the environment for media but negative developments continued to raise concern. In four years, the country has gained 27 positions in Reporters Without Borders' World Press Freedom Index and currently ranks 133 out of 180 countries as opposed to 160 and 165 out of 180 in 2019 and 2018 respectively during the previous periodic report.² Freedom House's Internet Freedom Score for Uzbekistan has not changed though in 4 years remaining at the same score 27 ("not free").³

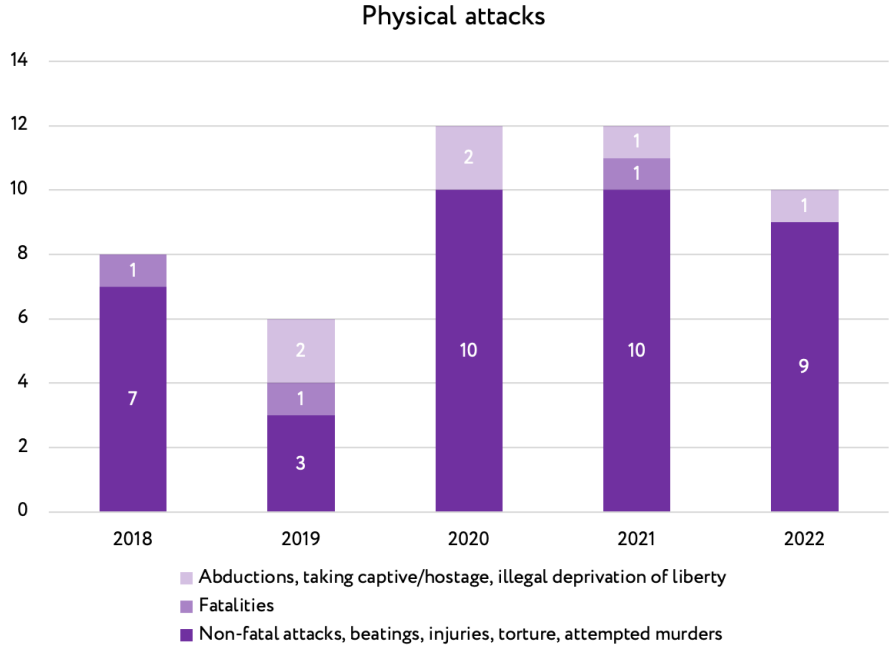
¹ In this submission, the term "media workers" refers to journalists, camerapersons, photojournalists, and other employees and managers of traditional and digital media, as well as bloggers and online activists.

² <https://rsf.org/en/index>

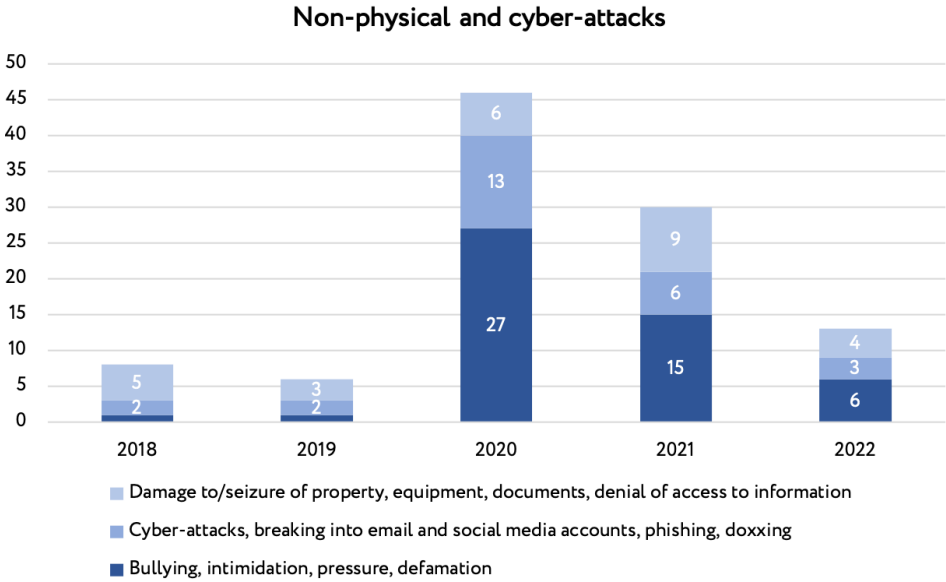
³ <https://freedomhouse.org/countries/freedom-net/scores>

In 2018-2022, JFJ documented 464 cases of persecution of media workers and media outlets. 48 of them were physical attacks and threats, 103 – non-physical attacks and threats online and offline, and in 313 instances, judicial and economic means were used to exert pressure. In an overwhelming majority of cases (about 77%), the perpetrators were representatives of the authorities. The graphs below illustrate the consistent distribution of cases over the years and the most widely used types of persecution within each category:

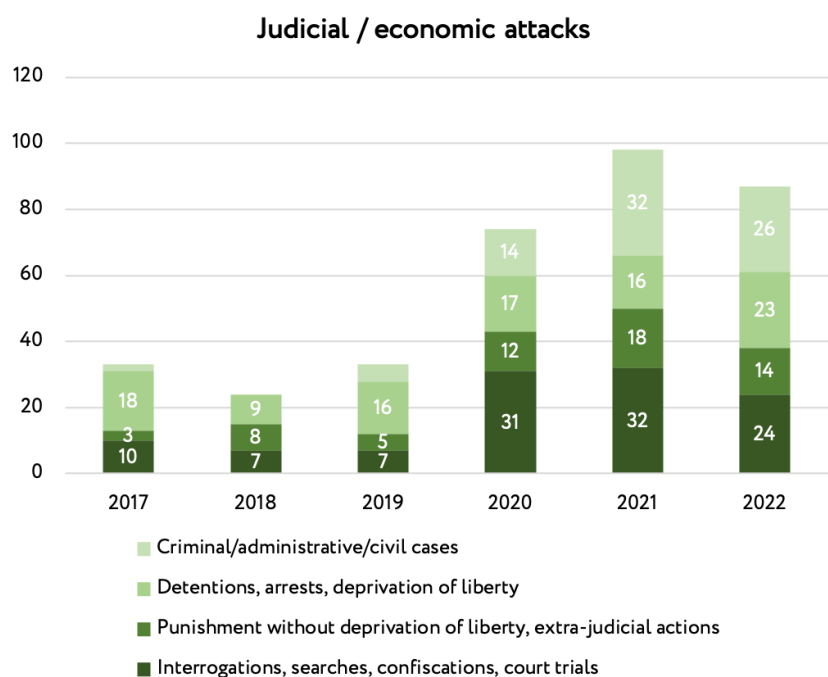
a) Physical attacks and threats



b) Non-physical attacks and threats online and offline



c) Use of judicial and economic measures



In 2023, at least one physical attack, 2 – non-physical attacks and threats online and offline, and 26 instances of judicial and economic attacks have been documented as of 9 March 2023. 27 out of 29 attacks were committed by the representatives of authorities.

Attacks on media workers are rarely effectively investigated. In Uzbekistan, there is a law "On the protection of the professional activities of a journalist" is used for resolving attacks on journalists.

During the year, the laws were applied in the investigation of crimes against about 20 journalists such as Mr. A. M, Mr. O. S, Ms. A. S, Mr. Kh. D, Ms. M. M. Over the past few months, about 10 bloggers known for their critical statements on the network have been arrested.

Safety of journalists, harassment and pressure

During the review period, the Uzbekistani Government had not followed the recommendations related the safety of journalists, conducting impartial, thorough and effective investigations into all cases of attacks harassment and intimidation against them, and bringing perpetrators of such offences to justice. In the period of review, the following cases of harassment, attacks and murder of journalists have not been investigated:

- On November 6, 2019, journalist Mr. D.R from Khorezm died under mysterious circumstances in a car accident.
- On March 9, 2023, the body of 36-year-old Russian journalist Mr. A.N. was found in a Tashkent apartment.
- In May 2020, unknown persons attacked the cameraman from the Internet publication "Effect Uz" while covering a report in the Fergana region. As the journalists reported, the eyes of the cameraman were sprayed with a gas canister in the (camera). The attackers smashed the car windows and stole a video camera.
- On October 16, 2021 anonymous users of the messaging app Telegram sent dozens of death threats to employees of RFE/RL's Uzbek service, Radio Ozodlik. Over the course of about 30 minutes, employees received messages threatening beheadings and sexual assaults, accompanied by pornographic collages of images of the station's employees.
- One of the few international journalists in the country, Ms. A. P-W, was de facto deported in November 2021. Authorities had previously refused to renew her press accreditation, accusing her of violating Uzbek media laws by reporting on LGBT+ rights in Uzbekistan.

Recommendations

- *Encourage the investigation of criminal, administrative, and disciplinary cases for assaults and other forms of persecution of media employees and convict those responsible;*
- *Take measures to ensure the safety of journalists, such as ensuring impartial, prompt, thorough, independent, and effective investigations, and ensuring that victims and their families have access to appropriate remedies.*

Arbitrary arrests and arbitrary detentions of journalists, and allegations of torture and cruel, inhuman and degrading treatment in detention

Since 2018, at least 14 government critics detained for politically motivated reasons have been released from prison, including journalist and newspaper editor Mr. M.B., independent journalist Mr. J.K, who was released from the psychiatric hospital in Samarkand, and independent journalist and human rights activist Mr. S.A. Journalist and human rights activist Mr. D.S. was released from detention on February 3, 2018. Independent journalist Mr. G.M. was also released from detention on March 20, 2018.

On June 26, 2022, blogger Mr. O. K, who works in the Fergana region, was released from custody two days after serving a 15-day sentence.

In 2018, it became known that the staff of the academic journal "Irmok" Mr. B.I., Mr. D. K., Mr. R.V, Mr. B.E., and Mr. D.T. had been detained at different times since 2015. Newly released detainees were required to sign a non-disclosure agreement and could only inform the international community after the conditional release term expired.

A number of journalists were behind bars since 2018 including: independent journalists Mr. A.Y., Mr B.A.; and Mr. H.N., but they were subsequently released.

On May 7, 2018, the Tashkent City Criminal Court released journalists Mr. B. A. and Mr. Kh. N. from custody.

According to reports by BBC Uzbek and Radio Ozodlik, local authorities in Shahrikhan arrested blogger Mr. N.Kh. in September after he published a post on Facebook calling on President Mirziyoyev to investigate two local officials for corruption. A district court convicted Mr.N. Kh, of violating Article 41 of the Administrative Code, which deals with offenses against human dignity. Mr. N. Kh.'s father reported that the court did not allow him or his son to testify at the trial, at which Mr. N. Kh was not represented by a lawyer. The court sentenced Mr. N.Kh. to 10 days' imprisonment, although the violation of this provision of the law is punishable only by a fine.

Since 2017, about 14 independent journalists, human rights activists and opposition activists were released from Uzbek prisons.

During the reporting period, even though there were no investigative findings in the case of torture and ill-treatment in detention of freelancer Mr. B. A, who reported for the independent regional website Fergana, the London-based Institute for War and Peace

Reporting, on May 7, 2018, the Tashkent City Criminal Court released journalist Mr. B.A., as well as Mr. H. N., Mr. Sh. O. and Mr. R. S. from custody.

Mr. B. A. was detained during the previous reporting period on September 27, 2017, on charges of "conspiring to overthrow the constitutional regime". Mr. B.A. claimed he was tortured and ill-treated in detention. His fellow journalist, blogger Mr. H. N, was arrested in October of the same year, and there were allegations that he, too, may have been tortured or ill-treated in detention.

- There was no justice in the case of Mr. A. O's arrest on August 28, 2018 and subsequent sentencing to 15 days of administrative detention for resisting police and a fine. The blogger received the court sentence despite not having access to a lawyer and not appearing before a judge. Police also confiscated the journalist's phone and laptop, as well as equipment belonging to his family.
- On the same day, authorities arrested Mr. Z. K., a blogger and religious scholar known as Z. R, and sentenced him a day later to 10 days of administrative detention and a fine on similar charges. In his recent posts, he criticized presidential advisers and the ban on women wearing a hijab and men growing a beard.
- Two days later, police arrested Mr. O.U. in Andijan for writing comments for the local religious website Azon. He, too, was sentenced to 15 days of administrative detention. Recently, he had reported for Azon on the hijab ban and religious education for children, among other issues.
- On September 12, 2019, police arrested blogger Mr. H. in Shahrihan. The blogger was known for writing on Facebook about political and social issues and denouncing the corruption of local officials. Following his arrest, the Shahrihan District Court sentenced Mr. H. to 10 days in prison for violating Article 41 of the country's Administrative Code, which refers to offenses against a person's dignity,
- On September 30, the Urgench district civil court in Uzbekistan's west ordered blogger Ms. N.O. to be placed in the Khorezm regional psychiatric centre after she served 10 days in administrative detention. Ms. O blogs on Facebook were critical of public authorities, including allegations of corruption and illegal demolitions.
- On October 5, 2019, police in Urgench detained Mr. D.R, a correspondent for the local daily Jamiyat. Police released Mr. D. R. who had also reported on Mr. D. R's march, a few hours later.

- On July 25, 2020, the editor-in-chief of the independent news website Makan Ms. Lolagul Kalykhanova was arrested in connection with coverage of the alleged death of Musa Yerniyazov, chairman of the Supreme Council of Karakalpakstan. Although she had published a rebuttal, her cell phone was confiscated, her password was obtained, and she was subsequently interrogated. Two other editors were also arrested in connection with the same case. The journalists were released without charge later that night.

On January 30, 2021, a group of plainclothes police officers arrested blogger Mr. S. for reporting on alleged local corruption on his Telegram and YouTube accounts, both named Xalq Fikri ("Opinion of the People"). On February 1, a criminal court in Termez charged Mr. S. with extortion and remanded him in custody.

- On the afternoon of June 7, a group of people pushed, punched, and chased reporters Mr. R.N. and Mr. A.E. and cameraman Mr. S.U. while they were conducting an interview at the mayor's office in the eastern city of Andijan. In 2022, police officers and national guardsmen detained two journalists from the journalists' union and beat one of them after they attempted to enter the Pakhtakor soccer stadium in the capital, Tashkent.
- In the beginning of July 2022 journalist Ms. L. K., who covered protests in the Uzbek Republic of Karakalpakstan, was reported missing. Separately, on July 4, police in the Karakalpakstan capital of Nukus briefly detained and interrogated J.L, a British journalist who writes for The Economist and Eurasianet, among other publications. She was detained her for about an hour, and then apologized for the detention but repeatedly told her to "be careful".

Recommendations

- *Immediate and unconditional release of all journalists detained for peacefully exercising their professional duties;*
- *Investigate reports of persecution of independent journalists, bloggers, civil society activists, and other government critics and their family members and prosecute perpetrators in court;*
- *Issue a standing invitation to the Human Rights Council's Special Procedures UN and establish a timeframe for the visit requested by the Special Rapporteur on Torture;*
- *Establish an effective system of independent, unannounced inspections of all detention facilities by independent and impartial bodies.*

Forced closure and harassment of independent media outlets, blocking of websites

After a meeting between President Mirziyoyev and Harlem Desir, the OSCE Representative on Freedom of the Media, authorities unblocked websites of foreign media and rights groups. These included websites of the BBC, Voice of America, Deutsche Welle, Fergana News Agency, Amnesty International, Human Rights Watch, and Reporters Sans Frontieres.

- In September, the government adopted new procedures to restrict access to websites that contained "prohibited information", according to the press service of the Uzbek Ministry of Justice on its Telegram channel. According to the Ministry, the government has the authority to block websites or blogs without a court order.
- In 2018, the private news website Kun.uz was blocked for several weeks after critical coverage of a relative of the Minister of Information and Communications. In September, the private news website Gazeta.uz was blocked for several weeks after publishing a critical report on government policy regarding the Aral Sea.
- In 2019, the government unblocked the website of the private Kun.uz, which had been blocked in 2018. The portal published articles critical of the government, including the involvement of regional and district officials in illegal demolitions.

- Access to news and information through popular social media sites such as YouTube and Facebook had become more reliable in recent years, and social media platforms have become vibrant forums for political discussion. However, in July 2021, the state communications agency Uzkomnazorat blocked access to nearly all major international platforms on the grounds that the social networks had violated legal requirements in processing personal data of Uzbek citizens.

Recommendations

- *Develop legislation to ensure that Internet laws are consistent with the government's obligations to guarantee freedom of expression and information; ensure free access to electronic media; and allow bloggers, journalists, and other Internet users to play an active role in promoting and protecting rights;*
- *Ensure unhindered access to online information sources, including national and international news sites, social networks, and websites of civil society organisations;*
- *Refrain from censorship or excessive control of social networks, media, and literature;*
- *Ensure that journalists and writers can work freely without fear of reprisal for expressing critical opinions or reporting on issues that the government deems sensitive, and adopt a framework for protecting journalists from persecution, intimidation, and harassment.*

Legislative restrictions to freedom of expression

Uzbek legislation on freedom of expression and freedom of the media is enshrined in the Constitution, 34 civil, criminal, and other codes, 35 and 40 different laws, 36 12 of which are of which 12 relate specifically to journalism, as well as more than 100 subsidiary laws.

- On December 15, 2020, deputies of Uzbekistan's lower house of parliament, the Oliy Majlis, approved amendments to the country's Criminal and Administrative Code that provide for fines and prison terms of up to five years for individuals convicted of disseminating "false information", according to a draft of the amendments, news reports, and a press release from the Oliy Majlis. Journalists will continue to face criminal penalties for a variety of possible offenses related to their work.

- In 2020, the president signed amendments to the law that abolished prison sentences for libel and slander, but forced labour and other penalties remained, and the dissemination of false information was added to the Criminal and Administrative Code. An earlier law passed the same year had criminalized the dissemination of false information related to COVID -19.
- On March 31, 2021, new amendments to the 2003 Criminal Code, Administrative Code, and Information Code took effect after being approved by the country's parliament and president. The amendments introduce prison sentences for offenses including insulting or defaming the president on the Internet and online calls for "mass unrest," and make it a crime to publish statements on the Internet that incite people to violate the law, threaten public order, or show "disrespect" for the state.
- Criminal and administrative law provides for heavy fines for libel and slander. The government used charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the president or the government.
- Amendments to the 2014 Law on Information Technologies make bloggers legally responsible for the accuracy of their posts and prohibit posts that could be perceived as insulting a person's "honour and dignity" The restrictions also exclude alleged calls to public disorder, interference with the constitutional order, publication of pornography or state secrets, publication of "threats against the state," and "other activities subject to criminal and other responsibilities under the legislation".
- In June, the Oliy Majlis passed a new law "on countering extremism" The draft law stated that the goal was to ensure the security of individuals, protect society and the state, preserve the constitutional order and territorial integrity of the country, maintain peace, and ensure multi-ethnic and multi-religious harmony among citizens.

Recommendations

- *Lift unduly heavy punishment for libel and defamation and take further steps to ensure journalists may work freely and without fear of retribution.*
- *Adopt a framework for protecting journalists from persecution, intimidation, and harassment.*

- *Repeal the legislation that restricts freedoms of expression, peaceful assembly and association, and ensure a safe environment for journalists, activists and human rights defenders.*