



Report to UN Special Rapporteur on Freedom of Expression in Relation to Sustainable Development in Uzbekistan

Submitted by Uzbek Forum for Human Rights

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Sustainable Development in Uzbekistan

Uzbekistan is in receipt of billions of dollars of international development aid, much of it designated for sustainable development and achievement of the Sustainable Development Goals (SDGs). These include loans from the World Bank¹, the European Bank for Reconstruction and Development (EBRD)², the Asian Development Bank (ADB)³ and the International Finance Corporation (IFC).⁴

In 2015, the Government of Uzbekistan committed to implement the 2030 Agenda for Sustainable Development⁵. In 2018, 16 national SDGs and 125 corresponding targets were adopted. Simultaneously, an inter-agency Coordination Council for implementing the national SDG Roadmap was established⁶.

In July 2022, Uzbekistan created “The Uzbekistan Vision 2030 Fund”⁷, funded by UN agencies which will receive additional funds to be returned from Switzerland to Uzbekistan as part of the recovery of Gulnara Karimova’s stolen assets. The fund aims to achieve the SDGs in Uzbekistan by 2030⁸.

¹ World Bank loan to the Government of Uzbekistan for rural infrastructure development:

<https://projects.worldbank.org/en/projects-operations/project-detail/P168233>

² EBRD Green City Samarkand project: <https://www.ebrd.com/news/2021/ebrd-green-cities-welcomes-samarkand-as-its-48th-member-.html>

³ Asian Development Fact Sheet: <https://www.adb.org/publications/uzbekistan-fact-sheet>

⁴ IFC Sustainable Cotton Project: <https://pressroom.ifc.org/all/pages/PressDetail.aspx?ID=26373>

⁵ UN Department of Social and Economic Development: <https://sdgs.un.org/2030agenda>

⁶ UN Sustainable Development Knowledge Platform:

<https://sustainabledevelopment.un.org/memberstates/uzbekistan>

⁷ UN MTPF Office Partners Gateway: <https://mptf.undp.org/fund/uzb00>

⁸ Swiss Federal Department of Foreign Affairs, 16 August 2022:

<https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-89949.html>

Field Code Changed

As part of its Green Cities program, the EBRD has earmarked €95 million for electric buses in Samarkand⁹ and is developing an action plan to “green” the city. The plans will require, under the Bank’s guidelines, the engagement of a broad range of stakeholders. As part of the Strategy for New Uzbekistan Development¹⁰, the plan foresees transforming Samarkand into a city of millions.

Given recent serious rights violations and lack of public participation in the development of the city to date that has resulted in forced evictions, demolition of historical sites and destruction of green spaces¹¹, there are legitimate concerns that the EBRD Green City project in Samarkand will face significant challenges to fulfill its stakeholder engagement obligations¹².

Restrictions on Freedom of Expression

Freedom of expression in Uzbekistan is persistently restricted often resulting in arrest, detention, harassment, and prohibition from using the internet¹³. Journalists are often forced to self-censor on sensitive issues such as corruption following interventions by the authorities. Despite some liberalization of the media, a number of media outlets remain blocked, including Ozodlik, the Uzbek language edition of Radio Free Europe/Radio Liberty (RFE/RL) and Eltuz¹⁴, an Uzbek language website that reports on political, cultural, and social issues.

Critical reporters and activists have been charged with insulting the president online following an amendment of Article 158, part 3 of the criminal code which came into force on 30 March 2021 and criminalizes “attacks on the President of Uzbekistan”¹⁵. Articles 139 (defamation) and/or 140 (insult) of the criminal code are regularly used to prohibit activists and bloggers from using the internet. Punishments include lengthy prison sentences, house arrest and excessive fines, ensuring that critical voices stay silent.

In November and December 2022, Uzbekistan’s energy system collapsed due to gas and electricity shortages in the midst of an exceptionally harsh winter with sub-zero conditions. According to the Ministry of Interior, 146 people died and 50 were injured from carbon monoxide poisoning as people tried to heat their homes with coal in homemade stoves. As outrage among the population found expression on social media, the authorities tightened censorship of social networks and bloggers received insistent requests not to write about the energy crisis. One activist, Olimjon Khaydarov, whose case is outlined below, was given an excessive fine for his reporting on the issue.

⁹ EBRD, Samarkand E-Bus Project: <https://www.ebrd.com/work-with-us/projects/psd/52947.html>

¹⁰ Investment Promotion Agency under the Ministry of Investments and Foreign Trade of the Republic of Uzbekistan, accessed 3 February 2023, “Strategy ‘New Uzbekistan’ 2022-2026: macroeconomic stability”: <https://invest.gov.uz/mediacenter/news/strategy-new-uzbekistan-2022-2026-macroeconomic-stability/>

¹¹ RFE/RL, 26 March 2017, “Bulldozing History: Ancient Uzbek City’s UNESCO Status at Risk”:

<https://www.rferl.org/a/bulldozing-history-ancient-uzbek-city-unesco-status-at-risk/28392139.html>

¹² CEE Bankwatch Network, 26 December, “Is Samarkand Ready to Become a Green City?”:

https://bankwatch.org/wp-content/uploads/2022/12/2022-12_Samarkand-green-city_final.pdf

¹³ Uzbek Forum for Human Rights, 18 January, 2022, “Uzbek Bloggers and Activists under Attack – the Cases Mount”: <https://www.uzbekforum.org/uzbek-bloggers-and-activists-under-attack-the-cases-mount/>

¹⁴ Eltuz: <https://eltuz.com/?lang=lat>

¹⁵ Gazeta.uz, 31 March 2021, “За оскорбление президента в интернете введена ответственность”: <https://www.gazeta.uz/ru/2021/03/31/uk/>

Arbitrary application of the law, the lack of independence of the judiciary and endemic corruption at the highest levels of government¹⁶, seriously undermine the ability of civil society and the media to monitor and report on the misappropriation of funds and provide transparency in public procurement. According to Transparency International's Corruption Perception Index for 2021¹⁷, Uzbekistan ranks 126 out of 180 countries.

Case Studies

The following cases demonstrate how violations of freedom of expression impact the role of independent media and investigative journalists in promoting sustainable development and the challenges they face:

1. Akmal Eshonkhonov, a journalist from the online media outlet Effect.uz¹⁸ described how he attempted to report on the current energy crisis in the country.

On 15 January 2023, Prime Minister Abdulla Aripov, Jahongir Artykhojaev, then mayor of Tashkent city who was fired from his position one day later, and Energy Minister Jurabek Mirzamakhmudov visited the electricity power plant in Tashkent. Journalists from Effect.uz were also present to film a story about the electricity shortage, unaware of the visit by government officials. When the journalists began filming, they were immediately approached by a man who asked who they were and why they were filming. The journalists presented their press credentials but were immediately surrounded by police officers who gave the order to detain them. One policeman confiscated the cameraman's camera and forced him and his colleagues into a bus. They were taken to the police station where they were manhandled, and the cameraman was beaten. The media team was only released following an intervention by a former member of parliament, Rasul Kurshebaev.

2. Blogger Otabek Sattoriy was arrested on 30 January 2021 in Termez in Surkhandarya region and sentenced to six and a half years in prison¹⁹ on criminal charges of 'extortion' and 'slander' on 10 May 2021. Sattoriy was a popular blogger with a substantial following on Facebook who reported on issues of corruption including forced evictions and the involvement of local government officials. His lawyer believes²⁰ the charges against him were fabricated but despite two appeals, Sattoriy remains in prison. Sattoriy's case attracted strong condemnation from media colleagues and activists in Uzbekistan as well as the international community²¹.

¹⁶ Uzbek Forum for Human Rights, 14 September 2021, "Government Investment Fund a 'Piggy Bank' for Conglomerate Tied to Uzbekistan's First Family": <https://www.uzbekforum.org/government-investment-fund-a-piggy-bank-for-conglomerate-tied-to-uzbekistans-first-family/>

¹⁷ Transparency International Corruption Perception Index, Uzbekistan, 31 January 2022: <https://www.transparency.org/en/cpi/2022/index/uzb>

¹⁸ Effect.uz conducts investigative reporting on issues affecting Uzbek citizens at grassroots level: <https://effect.uz/1038>

¹⁹ Eurasianet, 10 May 2021, "Uzbekistan: Citizen journalist's prison sentence horrifies reform advocates": <https://eurasianet.org/uzbekistan-citizen-journalists-prison-sentence-horrifies-reform-advocates>

²⁰ Gazeta.uz, 8 February, 2021, "В Сурхандарье задержан блогер. Адвокат считает дело сфабрикованным": <https://www.gazeta.uz/ru/2021/02/08/sattoriy/>

²¹ Uzbek Forum for Human Rights, 13 May, 2021, "The Shrinking Space for Freedom of Speech in Uzbekistan Puts Journalists and Activists at Risk": <https://www.uzbekforum.org/the-shrinking-space-for-freedom-of-speech-in-uzbekistan-puts-journalists-and-activists-at-risk/>

3. Blogger and activist Miraziz Bazarov was sentenced by a Tashkent court on 21 January 2022 to three years' restriction of liberty, the maximum term for slander (Article 139-3-d of the Criminal Code) with which he was charged. On 28 March 2021, Bazarov was severely beaten by unknown assailants who remain at large²². Bazarov had also raised concerns with the Asian Development Bank of the misuse of funds by the Uzbek government designated for combatting the Covid pandemic.²³ The court imposed severe restrictions including restriction of movement, prohibition from making public speeches and using the internet and exercising his profession as a psychologist.
4. Olimjon Khaydarov, a blogger and activist from Uzbekistan district in Fergana region, was found guilty of violating articles 201, part 1 (violation of the order of organizing or holding meetings, rallies, street marches or demonstrations) and 202-2 part 2 (dissemination of false information in the media and the internet, containing a threat to public order and safety) on 13 December 2022 after publishing videos on social media²⁴. Khaydarov had filmed workers at a cement factory who were protesting against energy outages that had resulted in the company ceasing its operations, leaving workers without work and pay. Khaydarov was sentenced to an excessive fine of 21 million UZS (approximately \$1,863), the equivalent of approximately five-and-a-half monthly salaries.
5. Shoberdi Suyunov is a well-known activist and blogger among the local residents of Kumkurgan district in Surkhandarya region where he lives. He regularly spoke in the media and on social networks in which he criticized the regional and district leadership for corruption and other abuses of power. Until March 2019, he was an elected deputy of the district Council of People's Deputies (a voluntary position). His appointment was ended by the former district governor, Normumin Choriev, who illegally called an extraordinary session and forced Suyunov to be expelled from the Council.

On 18 May 2022, the Sariosiyo District Criminal Court in Surkhandarya region found Suyunov guilty of insult, slander, and extortion of four complainants, two former government officials and two businessmen. Suyunov is convinced the charges against him were in retaliation for exposing corruption schemes engaged in by the complainants.

According to the court verdict of 18 May 2022, Shoberdi Suyunov is prohibited from using the internet and from leaving home between 10 p.m. and 7 a.m. for five years. Suyunov was also ordered to pay a fine of 24,500,000 UZS (approximately \$2,160). The Court of Appeal upheld the verdict.

²² Eurasianet, 29 March, 2021, "Uzbekistan police blame victim in violent attack on pro-LGBT activist": <https://eurasianet.org/uzbekistan-police-blame-victim-in-violent-attack-on-pro-lgbt-activist>

²³ Eurasianet, 6 December 2021, "Perspectives | How ADB's pandemic aid to Uzbekistan was misused, whistleblower silenced": <https://eurasianet.org/perspectives-how-adbs-pandemic-aid-to-uzbekistan-was-misused-whistleblower-silenced>

²⁴ RFE/RL, 14 December 2022, "Uzbek Blogger Fined For Writing About Energy Shortage In Ferghana Region": <https://www.rferl.org/a/uzbekistan-blogger-fined-energy-shortage-ferghana/32176573.html>

6. Aleksey Garshin is an activist and blogger whose investigative work exposed a residence, estimated to be worth \$1 billion, and allegedly owned by President Shavkat Mirziyoyev. The story became known as “Shavkat Palace” and received wide media coverage, except inside Uzbekistan²⁵ where national media outlets gave no coverage to the investigation. Following publication of the story, Garshin announced that he would establish a new political party dedicated to fighting corruption and immediately came under intense harassment.

On 26 February 2022, a criminal case was opened against Garshin and on 15 March, he was summoned for interrogation at the Tashkent Department of Internal Affairs during which he was forced to sign a non-disclosure agreement, forbidding him to disclose details of the case under threat of criminal punishment. On 17 March 2022, his apartment was searched and his memory disc, laptop and camera were confiscated.

On 21 November 2022, the Criminal Court of the Yunusabad district of Tashkent found Garshin guilty under Part 2 of Article 140 (insult) of the Criminal Code of Uzbekistan and sentenced him to pay a fine of 108 million UZS (approximately \$9,500). This is the maximum fine possible under this article.

The formal reason for the criminal case against Garshin was not his high-profile investigation, but a statement by another blogger who complained to the police because of what she considered to be abusive remarks made to her by Garshin online.

7. The cotton textile company, Indorama Agro, was given an aggregate loan of \$130 million²⁶ by the EBRD and IFC to develop its cotton production operations in four districts of Kashkadarya and Syrdarya regions. Despite commitments by the company to create new jobs, it has undertaken a radical re-structuring process resulting in the dismissals of hundreds of workers. In response, a democratically elected union was established in March, 2021²⁷. The union has faced repeated attempts by the company, assisted by government officials including representatives of the Federation of the Trade Unions of Uzbekistan (FTUU), to weaken its membership and legitimacy. Union leaders have experienced harassment and intimidation by the police and security agencies.

In December 2022, the company announced that 392 workers would be given new contracts which effectively eliminated their employment status and instead classified them as service providers, thus depriving them of social benefits such as sick pay and pension contributions²⁸. In violation of the Uzbek Labor Code, workers were given

²⁵ RFE/RL, 23 February 2021, “Exclusive: RFE/RL Probe Reveals Secret Mountain Resort Built For Uzbek President”: <https://www.rferl.org/a/exclusive--uzbekistan-president-secret-mountain-resort-mirziyoyev-rfe-rl-investigation/31117556.html>

²⁶ EBRD website, 2 February: <https://www.ebrd.com/work-with-us/projects/psd/50879.html>

²⁷ Uzbek Forum for Human Rights, 22 March 2021, “A Historic Day for Uzbekistan’s Workers as Indorama Employees Vote to Form the Country’s First Independent Trade Union”, <https://www.uzbekforum.org/a-historic-day-for-uzbekistans-workers-as-indorama-employees-vote-to-form-the-countrys-first-independent-trade-union/>

²⁸ Uzbek Forum for Human Rights, 17 January 2023, “Will Uzbekistan’s first democratically elected trade union survive?”: <https://www.uzbekforum.org/will-uzbekistans-first-democratically-elected-trade-union-survive/>

only days' notice before their contracts expired, leaving them little opportunity to find alternative employment.

In January 2023, security officials demanded that the union leader desist from communicating with international human rights organizations and pressured his relatives by orchestrating 'inspections' at their places of work. The police have demanded that the union leader agrees to the terms of the new contract on the grounds that the company has promised to invest in infrastructure in the area.

This level of harassment and intimidation is a clear indicator of the power of the authorities to prevent project affected stakeholders from speaking out and raises serious concerns around the ability of international development banks to conduct adequate due diligence that can ensure compliance with their own performance standards as well as those of their clients.

Recommendations

In light of these clear violations of freedom of expression and barriers to ensuring public participation and transparency in sustainable development projects in Uzbekistan, Uzbek Forum urges the government of Uzbekistan to:

- Desist from abusing the criminal code and imposing disproportionate punishments on bloggers, journalists, and activists for their critical reporting.
- Uphold its commitments to freedom of speech under Article 19 of the UN Convention on Civil and Political Rights.
- Uphold public commitments to fight corruption by endorsing the critical role of journalists, bloggers, and the media to investigate corrupt practices.
- Intensify efforts to create an enabling environment for civil society by simplifying bureaucratically complicated registration rules for NGOs to enable the establishment of watchdog groups that can independently verify government endorsed information.
- Remove barriers that prevent the participation of civil society groups in stakeholder engagement of development projects.