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To Permanent Representatives of
EU Member States to the EU
Brussels

HUMAN
RIGHTS
WATCH

HRW.org

Brussels, 17 December 2020,

RE: GSP+ application and human rights situation in Uzbekistan

Dear Ambassador,

We are writing following the European Commission's 30 November [delegated regulation](#) adding Uzbekistan to the list of GSP+ beneficiary countries. We believe that many of the salient shortcomings identified by the Commission perpetuate or continue to cause grave human rights violations and therefore [could in fact constitute serious failures of Uzbekistan's obligations](#) to abide by core human rights treaties.

We urge your delegation and other members of the Council to press the European Commission to at the very least set up an enhanced follow-up and monitoring mechanism of Uzbekistan's human rights obligations under the GSP+ requirements and identify specific recommendations and time-bound benchmarks.

Despite some steps taken since Uzbekistan's President Shavkat Mirziyoyev assumed the presidency in 2016, Uzbekistan's political system remains largely authoritarian. Thousands of people, mainly peaceful religious believers, remain in prison on unjustified charges, and most of those released from arbitrary detention in recent years have not been legally rehabilitated. The security services retain vast powers to detain perceived critics, and there is no genuine political pluralism. Many promised reforms remain unfulfilled. The Criminal Code still contains deeply repressive provisions that have been used to imprison critics, also in recent years. There are continued reports of torture and ill-treatment in detention and impunity remains the norm. The 2015 law requiring NGOs to receive advanced permission to conduct virtually any activity has a chilling effect and a draft NGO code circulated this year fails to reform such restrictions. Many civil society groups are not able to register. An August draft law on public

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assemblies fails to meet international standards. Forced labor, which is absolutely prohibited under international law, persists, including during the most recent [cotton-picking season in September-November 2020](#), despite a decree prohibiting forced mobilization and efforts to address child labor.

UN bodies in charge of monitoring states' compliance with human rights treaties said no less. In April this year, the [UN Human Rights Committee](#) said it was concerned by Uzbekistan's repeated failure to implement its recommendations, continued restrictions on peaceful assembly and freedom of association and urged the government to bring its definition of torture and its counter-extremism law in line with its international obligations. In 2019, the [UN Committee Against Torture](#) raised concerns over "widespread, routine torture and ill-treatment" in detention sites and the lack of compliance with fundamental legal safeguards during arrest and detention. The election of Uzbekistan in October this year as a member of the UN Human Rights Council provides further grounds why Uzbekistan should be held accountable to "uphold the highest standards in the promotion and protection of human rights," as the Council's founding resolution puts it, and to genuinely improve its human rights record.

Given the gravity of those human rights issues, we are concerned that the regular monitoring of the implementation by GSP+ beneficiaries of their treaty obligations – via the Commission's report published every two years and the use of existing communication channels, including the annual human rights dialogue – would not create sufficient leverage to bring Uzbekistan in line with its commitments under the Regulation.

We, therefore, encourage you to press the Commission to acknowledge the seriousness of those concerns, call the government of Uzbekistan to urgently resolve outstanding concerns, and set up an enhanced monitoring and follow-up process, by:

- **publicly identifying detailed benchmarks, recommendations, and timelines, based on UN monitoring bodies' conclusions;**
- **increasing inclusive involvement of local and international civil society groups on assessing steps taken under those benchmarks;**
- **making public (at least in part) the annual 'scoreboards' (list of issues) in which the Commission annually assesses GSP+ beneficiaries' performance in implementing the 27 Conventions.**

The government of Uzbekistan should be pressed to address, inter alia, the following areas of concern:

- **Arbitrary detention and torture:**
Uzbekistan should release all individuals convicted on politically motivated charges; provide a list of detainees sentenced under the extremism provision of the criminal code; provide those recently released with legal rehabilitation; ratify the Optional Protocol to the Convention against Torture and investigate allegations of torture and ill-treatment in detention.

- **Repressive provisions in Criminal Code:**
Uzbekistan should reform the Criminal Code and revise or repeal Articles 159, 216, 244-1, and 244-2 (offenses against the state and extremism); art. 157 (treason); art. 221 (arbitrary extension of sentences of political prisoners); art. 139 (defamation) and art. 140 (insult); art. 235 to bring the definition of torture in line with UN treaties; and art. 120 (which criminalizes consensual sexual relations between men).

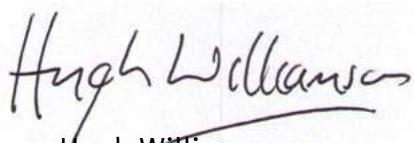
- **Freedom of association and peaceful assembly:**
Uzbekistan should bring the legislation on NGOs and on peaceful assembly in line with international standards and allow human rights groups to register in the country.

- **Forced Labor:**
Uzbekistan should fully abolish the practice of forced labor in cotton fields, including by holding accountable local authorities and allowing independent monitors to operate without obstruction.

While we are concerned about the Commission's decision to recommend Uzbekistan's access to GSP+ given continued grave concerns on the country's human rights record, we are confident that greater attention and increased monitoring and scrutiny could strengthen EU's leverage for human rights reforms.

We thank you for your attention to these important matters and remain available should you have any additional questions.

Sincerely,



Hugh Williamson
Director, Europe & Central Asia Division
Human Rights Watch