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August 14, 2017

Mr. Michel FORST
Special Rapporteur on the situation
of human rights defenders
Palais des Nations
CH-1211 Geneva 10
Switzerland

Re: Situation of Human Rights Defenders Working on Business and International Financial Institutions

Dear Mr. Forst,

Human Rights Watch welcomes the opportunity to comment on the on the situation of human rights defenders working in the field of business and human rights. We are pleased that this is the focus of your next report and attach our input in response to your request.

Our submission focuses on the role of international financial institutions (IFIs) in this space, which we encourage you to address in your report. IFIs affect the human rights practices of businesses in several ways. Several, including the International Finance Corporation (IFC) and regional development banks, fund businesses directly and seek to guide business practice through rules developed by the institutions. While public sector lending banks do not finance companies directly, governments typically hire private companies to provide necessary goods and services to implement projects financed by these institutions. Furthermore, the rules that IFIs set out are typically understood by companies as international best practice, increasing an IFI's influence beyond its actual investments.

Human Rights Watch has documented how the World Bank Group has funded activities that violate human rights, has not worked to prevent or respond to reprisals against critics of their projects, and has not remedied human rights violations linked to its investments. While our in-depth

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research has focused on the World Bank Group, we have done some research on the regional development banks, which similarly reveals that these institutions have insufficient regard for human rights.

In particular, in 2015 Human Rights Watch published a report [At Your Own Risk: Reprisals against Critics of World Bank Group Projects](#), which details how governments and powerful companies have threatened, intimidated, and misused criminal laws against outspoken community members who stand to be displaced or otherwise allegedly harmed by projects financed by the World Bank and its private sector lending arm, the International Finance Corporation (IFC). We found that the World Bank and IFC have failed to take adequate steps to help create a safe environment in which people can express concern or criticism about projects funded by the Bank Group without risk of reprisal.

Please see attached our submission, our recommendations to the World Bank and IFC, which apply equally to other development finance institutions, and the emblematic case of attacks on human rights defenders in Uzbekistan. Thank you for your attention to these issues. Should you wish to discuss our submission or have any questions, please contact me at evansj@hrw.org or +1 202 612 4361.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Evans', with a long horizontal flourish extending to the right.

Jessica Evans
Senior Advocate on International Financial
Institutions
Human Rights Watch

Human Rights Watch Submission: Situation of Human Rights Defenders Working on Business

1. Human Rights Obligations of International Financial Institutions (IFIs)

Human Rights Watch believes it is important for UN experts to ground their work on IFIs in the human rights standards applicable to these institutions. With the exception of the European banks, IFIs often argue that they are bound only by their own internal standards, rather than international human rights standards. It is essential that UN human rights experts counter this.

As an international organization, the World Bank derives human rights obligations from customary international law and general principles of law.¹ As a UN specialized agency, it has an obligation to respect and promote human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.² In addition to the World Bank bearing human rights obligations in its own legal capacity, each of its member countries has similar and additional specific human rights obligations that derive, for example, from treaties to which they are a party. As UN member states, they are also obliged under article 103 of the UN Charter to comply with the Charter over other international agreements in the

¹ ILC, “Draft Articles on the Responsibility of International Organizations,” Report of the International Law Commission, Sixty-third session, UNGAOR 66th session, U.N. Doc. A/66/10, http://legal.un.org/ilc/texts/instruments/english/commentaries/9_11_2011 (accessed May 31, 2017), commentary to art. 4 (b), para. 2, p. 14. International Law Association, “Final Report of the International Law Association Committee on Accountability of International Organizations,” 2004, p. 22: “Human rights obligations, which are increasingly becoming an expression of the common constitutional traditions of States, can become binding upon IO-s in different ways: through the terms of their constituent instruments; as customary international law; or as general principles of law or if an IO is authorized to become a party to a human rights treaty. The consistent practice of IO-s points to a recognition of this. Moreover, certain human rights obligations may have attained the status of peremptory norms,” <file:///C:/Users/panayod/Downloads/Final%20Conference%20Report%20Berlin%202004..pdf> (Final Conference Report Berlin, accessed May 31, 2017). International Law Commission, “Yearbook of the International Law Commission, Report of the Commission to the General Assembly on the work of its fifty-third session,” Vol. II pt. 2, U.N. Doc. A/CN.4/SER.A/2001/Add.1, 2001, article 26 para. 5: “Peremptory norms that are clearly accepted and recognized include the prohibitions of aggression, genocide, slavery, racial discrimination, crimes against humanity and torture, and the right to self-determination,” http://legal.un.org/ilc/publications/yearbooks/english/ilc_2001_v2_p2.pdf (accessed May 31, 2017). See also the Furundzija case before the International Criminal Tribunal for the former Yugoslavia, where the prohibition of torture was recognized *jus cogens*: Prosecutor v. Anto Furundzija, ICTY, The Judgement of the Trial Chamber, JL/PIU/372-E, December 10, 1998, <http://www.icty.org/sid/7609> (accessed May 31, 2017); See also the related concept of erga omnes obligations (owed by all States to the international community) in the Barcelona Traction case (Belgium v. Spain), ICJ Rep. 1970, paras. 33 and 34, <http://www.icj-cij.org/docket/files/50/5387.pdf> (accessed May 31, 2017); See also the East Timor case (Portugal v. Australia), judgment of 30 June 1995, ICJ Rep, 1995, p. 90, <http://www.icj-cij.org/docket/files/84/6949.pdf> (accessed May 31, 2017).

² Charter of the United Nations, June 26, 1945, 59 Stat.1031, T.S. 993, 3 Bevans 1153, entered into force Oct. 24, 1945, art. 55, 56. The World Bank is a specialized agency of the UN as a result of an agreement between the Bank and the UN’s Economic and Social Council (ECOSOC) in 1946: Agreement between the UN and the IBRD, entered into force, 1946, 16 U.N.T.S. 346.

event of a conflict between the two.³ The International Bill of Rights, which refers to the combination of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), is recognized as the key source used to interpret the rights provisions in the UN Charter.⁴ Moreover, both states⁵ and IFIs⁶ have obligations to provide effective remedies for human rights violations to which they contribute or for which they are responsible.

Contrary to the arguments of some, certain international human rights standards do apply to IFIs. IFIs should not only refrain from directly violating those rights protected under international law, but also factor them into decision making and address them if they arise.

2. IFIs Do Not Work to Prevent or Respond to Reprisals Against Critics

Human Rights Watch research has revealed that IFIs have done little to prevent or respond to reprisals against critics of projects that they finance. Our 2015 report [At Your Own Risk: Reprisals against Critics of World Bank Group Projects](#), documents cases of individuals and communities in Cambodia, Ethiopia, India, Uganda, Uzbekistan, and elsewhere that have faced reprisals from governments and powerful companies for criticizing projects financed by the World Bank and the IFC. These reprisals take a variety of forms. We documented cases where project critics and concerned community members have been

³ Charter of the United Nations, *Supra* note 44, art. 103: “in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

⁴ The UN special rapporteur on the right to food has stated that “[t]he growing consensus is that most, if not all of the rights enumerated in the [UDHR] have acquired a customary status in international law.” Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary*, (Cambridge: Cambridge University Press, 2010), p. 50; See also “Tilburg Guiding Principles on World Bank, IMF and Human Rights,” 2002, <http://www1.umn.edu/humanrts/instate/Tilburgprinciples.html>, (accessed May 31, 2017): “The Universal Declaration of Human Rights of 1948 is a ‘common standard of achievement for all peoples and all nations’ (Preamble of the Declaration). At the beginning of the new Millennium, the Declaration goes far beyond being merely a moral or political obligation, as large parts of it belong to international customary law, while some rights have developed into *jus cogens* standards.”

⁵ Art. 2(3)(a) ICCPR. Art. 9 of the Declaration on Human Rights Defenders further underscores that everyone performing activities in defense of human rights has the right to benefit from an effective remedy and to be protected in the event of violations. See UN General Assembly, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, A/65/223, August 4, 2010, <http://www2.ohchr.org/english/issues/defenders/docs/A-65-223.pdf> (accessed May 31, 2017), para. 44.

⁶ UN General Assembly, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, A/68/262, August 5, 2013. See also, Report of the Special Representative of the Secretary General on Human Rights Defenders, Hina Jilani, A/58/380, September 18, 2003, <http://www.refworld.org/pdfid/403b132c7.pdf> (accessed May 31, 2017), para. 73; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, A/65/223, August 4, 2010, para. 44. Special rapporteurs and the Special Representative have emphasized that failure to take these actions leads to further attacks against human rights defenders and further violations of their rights.

the target of threats, intimidation tactics, and baseless criminal charges, as well as situations where security forces have responded violently to peaceful protests, physically assaulting community members and arbitrarily arresting them. Some women have faced sexual harassment or gender-based threats, attacks, or insults when they speak out. In other cases, critics or their family members have been threatened with the loss of their jobs or livelihoods. In many countries, these reprisals often occur within a broader effort to demonize critics as unpatriotic or “anti-development.”⁷

Despite the grave risks that people living in communities affected by World Bank and IFC-financed projects take to speak out about the problems that they see with such projects or the harm that they face, the World Bank and IFC have done little to secure a safe environment in which people can speak freely without risk of reprisals. Bank and IFC officials failed to respond meaningfully to these breaches, doing little to support or compensate victims or to deter future attacks, despite the Group’s stated commitment to the principles of participation and accountability. In some cases, the World Bank Group has failed even to take appropriate action when people have suffered reprisals specifically because they were involved in bringing human rights concerns to the attention of Group officials.

In repressive environments, the World Bank Group has often closed its eyes to the risk of abuse rather than engage in difficult conversations with partner governments.⁸

In the past, the World Bank Group has occasionally responded swiftly and publicly to certain high-profile incidents of reprisals. Former World Bank Group President James Wolfensohn intervened at the highest level of government, and publicly reported on his interventions when an Inspection Panel complainant and opposition leader was arrested in Chad in 2001. A World Bank official also spoke publicly against the Cambodian government’s violent crackdown on protestors in 2002, highlighting how such actions run contrary to any commitment to participation and accountability.⁹

Although even at the time they were sporadic, such efforts by the Bank to respond to reprisals appear to have been replaced by, at best, quiet conversations behind closed doors with questionable utility. At worst, the prevailing response seems in some cases to have been one of complete apathy.

⁷ Human Rights Watch, *At Your Own Risk: Reprisals against Critics of World Bank Group Projects*, June 22, 2015, p. 3, https://www.hrw.org/sites/default/files/report_pdf/worldbank0615_4up.pdf.

⁸ *Ibid.*, p. 4.

⁹ *Ibid.*

The World Bank should consistently emphasize to member countries that criticism of World Bank Group-financed activities is welcomed and seen as an important part of improving the impacts of development efforts—and that reprisals against critics or people otherwise involved in such activities will be publicly and vigorously opposed. Please see attached our recommendations to the World Bank Group, which apply equally to other development finance institutions.¹⁰

3. Cultivate Space for Public Dialogue

In recent years, a growing number of governments have embarked upon broad and sometimes brutal campaigns to shut down the space for civil society activity, in some cases going so far as to criminalize independent human rights work. These abusive measures can prevent people from participating in decisions about development, from publicly opposing development initiatives that may harm their livelihoods or violate their rights, and from complaining about development initiatives that are ineffective, harmful, or have otherwise gone wrong. These broader trends toward repression have profound impacts for IFI-supported projects in countries like Ethiopia and Uzbekistan. Not only do many community members and activists face an increasing risk of reprisal for speaking out against IFI-financed projects that enjoy government support, independent groups who could otherwise help communities articulate their concerns and perspectives about development projects face similar challenges. IFIs have not taken meaningful steps toward creating an enabling environment for participation and accountability when it finances projects in countries that are closing or have effectively closed civil society space or routinely punish dissent.¹¹

IFIs should consider whether there is an enabling environment for public participation and accountability in developing their country strategies and partnerships. They should seize all available opportunities to support governments to open space for engagement and to confront governments that are actively working to close that space down. IFIs should consistently raise concerns with governments, both privately and publicly, when authorities use repressive tactics or introduce problematic laws; ensure opportunities for effective participation at the project level; and put additional monitoring in place to be able to detect problems, particularly in countries with a history of crackdowns on protests. In fact, IFIs have a role to play in ensuring that law enforcement is properly trained to strictly observe international standards on the use of force and provide protection to peaceful protestors during assemblies. While this is primarily a duty for states, IFIs should, at a minimum, emphasize to governments that peaceful protests about projects they finance are legitimate and should be permitted to take place outside the institution's

¹⁰ Ibid.

¹¹ Ibid, p. 3.

building, and ask governments to ensure that any law enforcement officials policing such protests are appropriately trained, supervised, and held to account for use of force that does not comply with international standards.¹²

4. IFI Accountability Mechanisms

In response to our report, several IFI accountability mechanisms have been in the process of developing guidelines to prevent, monitor, and respond to reprisals. For example, on March 30, 2016, the Inspection Panel published Guidelines to Reduce Retaliation Risks and Respond to Retaliation During the Panel Process.¹³ We encourage other accountability mechanisms and the institutions themselves to build on this positive development. We urge them to use every avenue available to respond to reprisals directly so as to ensure that the security of complainants and others is restored and maintained, as is their ability to continue their work as human rights defenders. This should include publicly denouncing reprisals and intervening in specific cases to push governments or companies to halt or refrain from serious abuses.

Accountability mechanisms should also work with the institutions to develop an early warning system to identify threats or other security issues, particularly for those who have filed or are considering filing a complaint or are otherwise critical of a project. They should systematically analyze the risk of reprisals and other security risks linked to every complaint received, proactively discuss those risks with complainants, and promptly implement protection measures. The CAO has acknowledged that “the ‘culture of intimidation and reprisals within a given context should form part of any pre-project assessment of the appropriateness for engagement.’”¹⁴

5. IFIs Should Support Governments in Realizing their Obligations to Regulate Business

IFIs should also assist governments in fulfilling their obligations to regulate the practices of companies to ensure that they do not violate human rights.¹⁵ They are well positioned to help advance rights at the national level by using their influence over member states and corporate clients. For example, in 2012, the IFC put forth “Performance Standards on

¹² Ibid., ps. 39-40.

¹³ World Bank Inspection Panel, “Guidelines to Reduce Retaliation Risks and Respond to Retaliation during the Panel Process,” March 30, 2016, <http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/2016%20Retaliation%20Guidelines.pdf> (accessed June 12, 2017).

¹⁴ Email from CAO to Human Rights Watch, “Response to HRW,” June 2, 2015, on file with Human Rights Watch.

¹⁵ OHCHR, “Guiding Principles on Business and Human Rights,” 2011, p. 3, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed June 12, 2017).

Environmental and Social Sustainability” that outline how its clients should manage social and environmental risks.¹⁶ The requirements cover consultation, risk identification and management, and grievance mechanisms, as well as security, with provisions adapted from the Voluntary Principles on Security and Human Rights.¹⁷

Despite these positive developments, more needs to be done. For example, the IFC’s Performance Standards do not address the challenges presented in environments where freedom of expression, assembly, and association are not respected or where community members and others face significant risks for being critical of proposed or ongoing projects. Moreover, the recognition of governments’ human rights obligations is absent from IFI advice on company regulation. The IFC could support improved government regulation by including country-by-country analysis of governments’ realization of this obligation in its annual “Doing Business” report.

All businesses should have adequate policies and procedures in place to identify, prevent, mitigate, and account for their impact on human rights. To meet its human rights responsibilities, a company should carefully assess potential human rights risks, including in its supply chain, monitor the impact of its activities on an ongoing basis, seek to prevent or mitigate harm, and adequately address any adverse human rights impacts it causes or contributes to. Moreover, companies should not issue threats or take actions that might deter affected communities from voicing their concerns about a project or penalize them for doing so. Company management, employees, and contractors should recognize individuals’ right to expression and development, as well as their own potential to gain from such engagement.

¹⁶ IFC, “Performance Standards on Environmental and Social Sustainability,” January 1, 2012, http://www.ifc.org/wps/wcm/connect/115482804a0255db96fbffd1a5d13d27/PS_English_2012_FullDocument.pdf?MOD=AJPERES (accessed June 1, 2017).

¹⁷ “Established in 2000, the Voluntary Principles on Security and Human Rights are a set of principles designed to guide companies in maintaining the safety and security of their operations within an operating framework that encourages respect for human rights:” “Voluntary Principles on Security and Human Rights,” 2000, <http://www.voluntaryprinciples.org/whatare-the-voluntary-principles/> (accessed June 1, 2017).

Emblematic Example: Reprisals against Human Rights Defenders, Forced Laborers, and Complainants in Uzbekistan, Linked to its Cotton Industry¹⁸

Although it developed safeguards for forced and child labor when investing in a project benefiting Uzbekistan's cotton industry, the World Bank and IFC refused to adopt safeguards to allow independent monitors unfettered access to project sites or to prohibit retaliation against monitors, forced laborers, or whistleblowers. Civil society organizations repeatedly told Bank staff that these were critical measures, but staff advised that their legal advisors had told them such covenants were not possible.¹⁹

The Uzbek government severely restricts a range of civil and political rights. It regularly impedes independent civil society groups and retaliates against human rights defenders. This makes independent monitoring of labor practices extremely challenging and dangerous.²⁰

In the absence of safeguards, officials threatened to file charges against human rights defenders, put their jobs at risk, and made other threats against them. In some cases the authorities confiscated their research materials or arbitrarily prevented them from traveling in connection with their monitoring work.²¹ For example:

- In December 2015 Dmitry Tikhonov, a journalist and human rights defender who has worked to document labor and other human rights abuses connected to cotton production in Uzbekistan for several years, was forced to flee Uzbekistan after his home office was burned and he faced disorderly conduct and other spurious charges connected to his monitoring.²² He now resides outside the country, unable to continue his human rights work.

¹⁸ For more detailed information, see Human Rights Watch, *"We Can't Refuse to Pick Cotton": Forced and Child Labor Linked to World Bank Group Investments in Uzbekistan*, June 27, 2017, https://www.hrw.org/sites/default/files/report_pdf/uzbekistan0617_web_3.pdf, and *At Your Own Risk*, ps. 32-34, and 108-113.

¹⁹ "World Bank: Reconsider Uzbekistan Projects," Human Rights Watch and the Cotton Campaign news release, June 9, 2014, <http://www.hrw.org/news/2014/06/09/world-bank-reconsider-uzbekistan-projects>; several meetings between Human Rights Watch and other Cotton Campaign representatives and World Bank representatives, Washington DC, June-December 2014.

²⁰ Human Rights Watch, *World Report 2016* (New York: Human Rights Watch, 2016) Uzbekistan chapter, <https://www.hrw.org/world-report/2016/country-chapters/uzbekistan>; Human Rights Watch, *World Report 2017* (New York: Human Rights Watch, 2017) Uzbekistan chapter, <https://www.hrw.org/world-report/2017/country-chapters/uzbekistan>. See also, Human Rights Watch, "Until the Very End": Politically Motivated Imprisonment in Uzbekistan," September 25, 2014, <http://www.hrw.org/reports/2014/09/25/until-very-end>.

²¹ Human Rights Watch and the Uzbek-German Forum have withheld identifying information in some cases due to concerns that publishing detailed accounts of this harassment would further expose monitors to risk of reprisals.

²² "Asian Development Bank: Heed Local Voices," Human Rights Watch news release, May 1, 2016, <https://www.hrw.org/news/2016/05/01/asian-development-bank-heed-local-voices>. See also, "Uzbekistan:

- On January 11, 2016, an Uzbek court sentenced Uktam Pardaev, a human rights defender who for years has advocated on behalf of victims of corruption and monitored the use of child and forced labor in the cotton sector, to a suspended prison term and three years' probation for insult, fraud, and taking a bribe, all of which he denies.²³ He had been in detention since his arrest on November 16, 2015.²⁴ Pardaev says police told him that he must adhere to a curfew, travel restrictions, and refrain from human rights work.²⁵ Pardaev risks prison if he violates the probation conditions.
- In August 2015 police "invited" an undercover monitor working for the Uzbek-German Forum for Human Rights to the local prosecutor's office, where the monitor says he was questioned by an SNB agent about attending a training abroad.²⁶ The SNB agent told him that they had the right to arrest him for 15 days.
- In October 2016 SNB officers in Karakalpakstan detained an independent monitor who was researching labor abuses in cotton fields benefiting from the World Bank irrigation project. They questioned him for three hours, allegedly releasing him only after seizing the money he was carrying to cover his travel expenses.²⁷
- On November 10, 2016, police in Tashkent detained German journalist Edda Schlager and seized some of her materials, including those containing confidential interview information. They deported her the next day and banned her from returning to Uzbekistan for three years.²⁸
- On November 29, 2016, officials detained, interrogated, and deported Yekaterina Sazhneva, a journalist for the Russian newspaper *Moskovsky Komsomolets*, the

Activists Beaten, Detained," Human Rights Watch news release, September 24, 2015, <https://www.hrw.org/news/2015/09/24/uzbekistan-activists-beaten-detained>; "Uzbekistan: Human Rights Defender's House Burned Down as Government Silences Him with Charges," Cotton Campaign, October 29, 2015, <http://www.cottoncampaign.org/home-of-human-rights-defender-burned-down-as-government-silences-him-with-charges.html>; Dmitry Tikhonov, "How The Government Created a Case Against Me," Uzbek-German Forum, March 3, 2016, <http://uzbekgermanforum.org/part-1-how-the-government-of-uzbekistan-created-a-case-against-me/>.

²³ "Uzbekistan: Rights Defender's Work Impeded," Human Rights Watch news release, February 9, 2016, <https://www.hrw.org/news/2016/02/09/uzbekistan-rights-defenders-work-impeded>.

²⁴ "Uzbekistan: Human Rights Defender Arrested," Human Rights Watch news release, November 25, 2015, <https://www.hrw.org/news/2015/11/25/uzbekistan-rights-defender-arrested>.

²⁵ "Uzbekistan: Rights Defender's Work Impeded," Human Rights Watch.

²⁶ Human Rights Watch interview with independent monitor, place and date withheld.

²⁷ Incident report from independent monitor, October 2016. Human Rights Watch interview with monitor, place and date withheld.

²⁸ Aleksei Voloseevich, "ИЗ УЗБЕКИСТАНА ДЕПОРТИРОВАЛИ НЕМЕЦКУЮ ЖУРНАЛИСТКУ ЭДДУ ШЛАГЕР [German Journalist Edda Schlager Deported from Uzbekistan]," AsiaTerra, November 13, 2016, <http://www.asiaterra.info/obshchestvo/iz-uzbekistana-deportirovali-nemetskuyu-zhurnalistku-eddu-shlager> (accessed May 25, 2017). See translation of the interview in English and additional information shared by Edda Schlager, "German Journalist Deported from Uzbekistan," Uzbek-German Forum, November 16, 2017, <http://uzbekgermanforum.org/german-journalist-edda-schlager-deported-from-uzbekistan/> (accessed May 25, 2017).

day after she met with human rights defender Elena Urlaeva, and banned her from returning to Uzbekistan for three years.²⁹

Elena Urlaeva, the head of the Tashkent-based Human Rights Alliance of Uzbekistan and a longtime human rights defender, was arbitrarily detained three times during September 2015 while she was monitoring the cotton sector. Two arrests were with journalist and activist Malohat Eshankulova.³⁰ On March 9, 2016, Urlaeva was admitted to the Tashkent City Psychiatric Clinic after ill-treatment by the police during the harvest.³¹ The hospital refused to release Urlaeva as planned on May 2, citing “official orders” rather than a medical reason,³² but finally released her on June 1, following international pressure.³³ After her release Urlaeva said that she has remained under constant police surveillance and that police have prevented people from approaching her for assistance.³⁴

In 2016 only Urlaeva and Eshankulova conducted monitoring openly and allege that they suffered frequent harassment, including arbitrary arrest, violence, and destruction of their monitoring information. Urlaeva also reported that she often observed cars parked outside her home, was followed, and that officers from the counterterrorism department visited her

²⁹ “Российская журналистка Сажнева выслана из Узбекистана [Russian Journalist Sazhneva Deported from Uzbekistan],” Radio Svoboda, November 29, 2016, <http://www.svoboda.org/a/28146805.html> (accessed May 25, 2017).

³⁰ See, “Uzbekistan: Activists Beaten, Detained,” Human Rights Watch. “В Сырдарьинской области медики собирают хлопок, журналист и правозащитница подверглись задержанию [In Syrdarya region medical workers are picking cotton, journalist and human rights defender detained],” Human Rights Alliance of Uzbekistan, September 25, 2015, on file with the Uzbek-German Forum; “УЗБЕКСКИЕ ПРАВОЗАЩИТНИЦЫ ПОДВЕРГЛИСЬ СЕКСУАЛЬНОМУ НАСИЛИЮ ВО ВРЕМЯ МОНИТОРИНГА ХЛОПКОВОЙ КАМПАНИИ [Uzbek Human Rights Defenders Subjected to Sexual Violence While Monitoring the Cotton Harvest],” AsiaTerra, October 1, 2015, <http://www.asiaterra.info/news/uzbekskie-pravozashchitnitsy-podverglis-seksualnomu-nasiliyu> (accessed May 25, 2017).

³¹ On May 31, 2015, during the spring planting and weeding season, police arrested and sexually violated Urlaeva. See “Uzbekistan: Brutal Police Attack on Activist,” Human Rights Watch news release, June 4, 2015, <https://www.hrw.org/news/2015/06/04/uzbekistan-brutal-police-attack-activist>.

³² Email from relative of Elena Urlaeva [name withheld] to the Uzbek-German Forum, April 28, 2016.

³³ The Cotton Campaign publicly called for her release: “Uzbekistan Government detains Human Rights Defender Elena Urlaeva in a Psychiatric Hospital,” Cotton Campaign, May 19, 2016, <http://www.cottoncampaign.org/uzbekistan-government-detains-human-rights-defender-elena-urlaeva-in-a-psychiatric-hospital.html> (accessed May 30, 2017). After her release, Urlaeva reported that hospital staff had prompted aggressive patients to attack her and filmed her defending herself, apparently to use as proof that she was mentally unstable. Email from Elena Urlaeva to the to the Uzbek-German Forum, June 9, 2016. See also “ЕЛЕНА УРЛАЕВА СООБЩИЛА ОБ ИЗБИЕНИИХ В «ПСИХУШКЕ» [Elena Urlaeva Reports Being Beaten in the Psych Hospital],” AsiaTerra, June 9, 2016, <http://www.asiaterra.info/news/elena-urlaeva-soobshchila-ob-izbieneniyakh-v-psikhushke> (accessed May 25, 2017).

³⁴ “Сотрудники милиции не допускают граждан к правозащитнице Елене Урлаевой. Узбекистан [Police do not allow citizens contact with human rights defender Elena Urlaeva. Uzbekistan],” Human Rights Alliance of Uzbekistan, June 30, 2016, on file with the Uzbek-German Forum.

home on several occasions to ask about her activities.³⁵ On October 6, 2016, police in Bukhara, Tashkent region, arrested Urlaeva, photographer and translator Timur Karpov, and two French journalists when they visited a cotton field. Police wiped Karpov's phone, which he says he unlocked under physical threat. Police destroyed all information on Urlaeva's phone and detained her for 10 hours. She reported that she was beaten in the presence of police by two women and kicked by a uniformed officer while in custody.³⁶ On October 9, 2016, police in Alat district, Bukhara region, arrested Urlaeva and Eshankulova after they interviewed students picking cotton. Police allegedly strip searched them, detained them for several hours, and destroyed all of their notes and data on their phones and cameras.³⁷ On October 22 police in Akdarya district, Samarkand region, arrested Urlaeva and Eshankulova when they interviewed doctors picking cotton. Police in Bukhara arrested Urlaeva again on November 5 when she visited the district Department of Education. She said that after she left the department, a man she did not know forced her into a car, took her phone and handed her to the police. She alleged that police held her for six hours, searched her, and erased her phone.³⁸

On March 1, 2017, police detained Urlaeva once again. After reportedly insulting and assaulting Urlaeva, police reportedly summoned orderlies from a psychiatric hospital who forcibly committed her. A doctor told Urlaeva's relative that there was a court order for the commitment but did not show it to Urlaeva or her relative.³⁹ She said that on March 4 doctors began treatment against her will.⁴⁰ In a video, Urlaeva said she believed

³⁵ Letter from Elena Urlaeva to the Uzbek-German Forum, September 22, 2016.

³⁶ Telephone call from Timur Karpov to the Uzbek-German Forum, October 6, 2016. Karpov called from the police station. Karpov recorded an interview describing his experience, October 7, 2016, <https://www.youtube.com/watch?v=xe3jhm8llk> (accessed May 25, 2017). "Elena Urlaeva Speaks About Detention and Assaults In Police Station," Uzbek-German Forum, October 10, 2016, <http://harvestreport.uzbekgermanforum.org/elena-urlaeva-speaks-about-detention-and-assaults-in-police-station/> (accessed May 25, 2017).

³⁷ "We Were Subjected to a Full Investigation," Uzbek-German Forum, October 13, 2016, <http://harvestreport.uzbekgermanforum.org/we-were-subjected-to-a-full-investigation/> (accessed May 25, 2017); "Узбекистан: «Бесстрашные» правозащитники продолжают мониторинг хлопковых полей несмотря на нападения и унижения [Uzbekistan: 'Fearless' Human Rights Defenders Continue Monitoring Cotton Fields Despite Attacks and Humiliation]," Fergana.ru, October 24, 2016, <http://www.fergananews.com/news/25516> (accessed May 25, 2017).

³⁸ "ТАШКЕНТСКАЯ ПРАВОЗАЩИТНИЦА ЕЛЕНА УРЛАЕВА БЫЛА ЗАДЕРЖАНА ПРИ ВЪЕЗДЕ В ГОРОД БУКУ [Tashkent Human Rights Defender Elena Urlaeva Was Arrested on Arrival to Bukhara]," AsiaTerra, November 7, 2016, <http://www.asiaterra.info/news/tashkentskaya-pravozashchitnitsa-elena-urlaeva-by-la-zaderzhana-pri-v-ezde-v-gorod-buku> (accessed May 25, 2017).

³⁹ Scott Corben and Anna Pujol-Mazzini, "Uzbek Campaigner Against Forced Labor Sent to Psychiatric Ward," Thomson Reuters Foundation March 3, 2017, <http://news.trust.org/item/20170303173746-ytkqx/> (accessed May 25, 2017); and phone call from relative to Uzbek-German Forum, March 2, 2017.

⁴⁰ Phone call from Urlaeva's relative to Uzbek-German Forum, March 4, 2017. "Узбекистан: Оградить правозащитницу Елену Урлаеву от применения карательной психиатрии! [Protect Human Rights Activist Elena Urlaeva from the Use of Punitive Psychiatry]," Fergana.ru, March 9, 2017, <http://www.fergananews.com/articles/9310> (accessed May 30, 2017).

authorities detained her in the hospital to prevent her from meeting with representatives of the ILO, World Bank, and International Trade Union Confederation, scheduled for March 2.⁴¹ The hospital released Urlaeva on March 23, following significant international pressure.⁴²

Bank staff have expressed concerns about reprisals to civil society and indicated that they have shared these concerns with the government.⁴³ On occasion, however, Bank staff have declined to raise such concerns.⁴⁴ Government reprisals continue and the Bank has not escalated its response, refusing to publicly condemn reprisals or sanction the government in any way.⁴⁵

⁴¹ Video available at "Правозащитница Елена Урлаева рассказала о причинах её задержания и помещения в психбольницу [Rights Defender Elena Urlaeva Told the Reason for Her Detention and Psychiatric Commitment]," Fergana.ru, March 3, 2017, <http://www.fergananews.com/news/26097> (accessed May 25, 2017).

⁴² "Uzbek Human Rights Activist Elena Urlaeva Released," Tula Connell, Solidarity Center, March 24, 2017, <https://www.solidaritycenter.org/uzbek-human-rights-activist-elena-urlaeva-released/> (accessed June 3, 2017).

⁴³ See also "Uzbekistan: Raise Key Issues at ILO/Government Roundtable," Cotton Campaign letter to Bank management signed by 45 organizations, July 29, 2016, http://www.cottoncampaign.org/uploads/3/9/4/7/39474145/160729_cc_letter_worldbank.pdf (accessed May 26, 2017). Response letter from Nina Bhatt, the World Bank's practice manager, social development, Europe and Central Asia Region, August 4 2016: "The important issues that you outlined in your letter, however, remain on the agenda of our broader dialogue with Uzbekistan and we will continue discussing them with our counterparts in the government at the appropriate level," http://www.cottoncampaign.org/uploads/3/9/4/7/39474145/wb_response_to_cc.pdf (accessed May 26, 2017). Letter from Junghun Cho, World Bank country manager for Uzbekistan to Umida Niyazova, director of the Uzbek-German Forum, July 18, 2016, <http://uzbekgermanforum.org/uncomfortable-activists-responses-from-the-world-bank/> (accessed June 7, 2017). World Bank, Implementation Status & Results Report: South Karakalpakstan Water Resources Management Improvement Project, October 27, 2015, <http://documents.worldbank.org/curated/en/782741468316487705/pdf/ISR-DisclosableP127764-10-27-2015-1446004115727.pdf> (accessed May 26, 2017), p. 2; World Bank, Implementation Status & Results Report: South Karakalpakstan Water Resources Management Improvement Project, June 3, 2016, p. 2.

⁴⁴ Nina Bhatt, the World Bank's practice manager, social development, Europe and Central Asia Region, said that the World Bank would not raise concerns about reprisals at its 2016 roundtable with the government and ILO as this was a "technical level meeting with clearly defined objectives," focused on Third Party Monitoring and the Feedback Mechanism. Bhatt's response letter available at <https://www.hrw.org/news/2016/08/04/response-letter-nina-bhatt-human-rights-watch-andcotton-campaign>.

⁴⁵ Ibid.