**Corruption, Human Rights and Forced Labour:**

A Joint-Submission by Uzbek-German Forum for Human Rights, the International State Crime Initiative, and Tashkent – Demolition

With support from the Centre for Civil and Poltical Rights

Table of Contents

[Summary 1](#_Toc31750141)

[Submitting organisations 3](#_Toc31750142)

[Corruption and Human Rights 3](#_Toc31750143)

[Types of Grand Corruption Impacting on Human Rights 5](#_Toc31750144)

[Forced Labour in the Cotton Sector 8](#_Toc31750145)

[Key Findings: Forced labour in the Cotton Sector 8](#_Toc31750146)

[Forced evictions 11](#_Toc31750147)

[Recommendations: Steps for Countering Corruption-Human Rights Breaches 17](#_Toc31750148)

[Recommendations: Forced Labour in the cotton Sector 18](#_Toc31750149)

# Summary

The fourth periodic report of Uzbekistan was reviewed by the UN Human Rights Committee in 2015. In its Concluding Observations (CCPR/C/UZB/CO/4), the Committee recommended, among other issues, that “*The State party [Uzbekistan] should put an end to forced labour in the cotton and silk sector’s, inter alia, by enforcing effectively the legal framework prohibiting child and forced labour, including by rigorously prosecuting those responsible for violations and by improving the working and living conditions in those sectors. The State party should also review its laws and practices to ensure financial transparency and address corruption in the cotton industry and take all measures necessary to prevent deaths in connection with cotton harvesting, investigate thoroughly such cases when they occur and provide effective remedies, including adequate compensation, to victims’ families.”*This recommendation was selected for the follow-up procedure, in which the State of Uzbekistan was requested to submit information on implementation of this recommendations by 2016.

The follow-up evaluation was carried out by the UN Human Rights Committee in 2017, focusing among other issues on forced labour. Regarding the recommendation to put an end to forced labour in the cotton and silk sectors by enforcing the legal framework effectively, prosecuting those responsible and improving the working and living conditions in those sectors, the Committee considered that some measures were taken, but many questions raised by the Committee remained unaddressed, resulting in a B-grade. The State did not provide information concerning the recommendation on addressing corruption in the cotton industry and preventing deaths, investigating these cases and providing remedies, resulting in a C-grade.

The Committee adopted the List of Issues in September 2019, in which the following questions were asked about forced labour (art. 8 ICCPR):

*14. With reference to the previous concluding observations (para. 19) and the Committee’s evaluation of the State party’s follow-up report (see CCPR/C/121/2), please report on further measures taken to eliminate forced labour in the cotton sector and on their practical impact. Inter alia, please:*

*(a) Respond to continuing reports of forced labour during the cotton harvest, including requiring public and private institutions, enterprises and businesses to send their employees to pick cotton or pay for replacement pickers and cover their costs;*

*(b) Report on measures taken to ensure financial transparency and address corruption in the cotton sector, including on any planned or implemented reforms to the mandatory cotton production quota system set by the State that reportedly remains the main cause of forced labour and contributor to corruption;*

*(c) Comment on allegations of poor working and living conditions for cotton pickers, report on the steps taken to prevent deaths in connection with cotton harvesting and investigate thoroughly such cases (please supply relevant statistics since 2015), and provide effective remedies to victims’ families.*

*Please also respond to reports of the use of the forced labour of public sector employees, such as teachers, medical workers and employees of State agencies, under threat of salary cuts, disciplinary measures and dismissal, for cleaning streets, construction work, planting flowers and public maintenance.*

Moreover, the List of Issues also addresses corruption:

*Please report on the progress made in preventing and combating corruption effectively, including in relation to the prosecution of corruption at the highest level. Please clarify whether steps have been taken to: (a) criminalize all mandatory elements of bribery offences; (b) make all corruption offences criminal offences; (c) define the meaning of the term “substantial harm” as an element of the offence of abuse of power or office; (d) provide for the liability of legal entities for crimes of corruption; and (e) strengthen the operational and structural independence and specialization of law enforcement agencies and prosecutors dealing with corruption cases. Please also clarify whether consideration has been given to excluding the functions of combating economic and corruption crimes from the mandate of the State security bodies.*

This report answers these questions by giving an update on the situation in the country.

# Submitting organisations

The Uzbek-German Forum for Human Rights (UGF) has monitored child and forced labor in the Uzbek cotton harvest every year since 2010. Our network of trained, experienced, independent human rights and labor rights monitors have gained deep, unique insight into the system of forced labor, the role of the Uzbek government, and the agricultural policy that has facilitated it.

The International State Crime Initiative under the leadership of Kristian Lasslett, Professor of Criminology at Ulster University, in collaboration with UGF and other civil society organisations, has been investigating grand corruption in Uzbekistan since 2015. This research has included in-depth case studies focusing on major public figures, sectoral studies looking at the privatization of cotton production and private banking, international analysis looking at the abuse of offshore holding structures, and the examination of highly suspicious transactions involving politically exposed persons.[[1]](#footnote-1) This research has required close analysis of laws, decrees, public administration, the administration of justice, corporate governance, corporate transparency, social networks, and the opaque fusions of public and private power.

The information about forced evictions provided in this submission was mainly obtained through the Facebook group "Tashkent- Demolition", which unites more than 21,000 participants.

# Corruption and Human Rights

Research, anti-corruption indices, transparency and governance indexes, and media investigations, all document the systemic problem of corruption in Uzbekistan. It is widespread at a grand and ‘petty’ level. This has a number of significant consequences for human rights in Uzbekistan including:

1. Budgetary resources are not applied effectively to address health, education, housing, security, cultural and economic needs of the population.
2. Violence, including torture, extra-judicial punishment, false imprisonment, and destruction of property, is used to execute corruption schemes.
3. Rule of law, democratic and judicial institutions, and free and open civil society and media are curtailed in order to assure the impunity and unchecked power of those responsible for corruption.
4. A businesses culture committed to human rights, social responsibility and transparency, is ceded to one marked by political patronage, opaque dealings, and white-collar crime, with serious deleterious consequences for consumers, workers responsible businesses people, and the wider public.

It is difficult to reliably assess through quantitative metrics the levels of grand corruption in Uzbekistan. However, it can be observed with confidence that, in practice, the opportunity structure for grand corruption has not diminished in Uzbekistan since 2016 (although there have been changes in complexion). It continues to be exploited at the most senior levels, with egregious consequences for citizens.

On the one hand, certain pragmatic steps taken by the Government of Uzbekistan have removed certain parts of the opportunity structure. For example, there has been a commitment to reducing petty corruption exercised by tax inspectors, and regulatory officials, which undermines business confidence. Strict currency controls, which was a driver for bribery and organized crime, have also been loosened. On the other hand, the drive towards privatization of state enterprises and assets, the use of fiat power to rapidly establish business projects, and growth strategies primed by opaque applications of state aid, has opened up new opportunity structures at the grand level.

This opportunity structure includes, for example:

1. Tax, and custom exemptions, discounted loans, and other forms of state aid is awarded to particular companies without a transparent selection process. Frequently, these significant concessions are granted on the basis of proposals made by government departments or the investor, which are not made public.[[2]](#footnote-2)
2. Public procurement is not yet open, transparent and competitive. Exemptions from procurement are frequently granted.
3. There is a failure to conduct basic due diligence checks on companies and investors engaged in government initiated or facilitated projects.[[3]](#footnote-3)
4. A political culture of clientelism remains in place. This allows businesses with political patrons to obtain advantages, which diminish market competition and value for money. It also creates an environment where fraud, embezzlement and bribery can occur with impunity.
5. Conflicts of interest, while formally prohibited, are in practice poorly managed.[[4]](#footnote-4)
6. Limited liability companies have minimal transparency and governance requirements.[[5]](#footnote-5)
7. Lack of judicial independence and transparency.
8. Independent media and civil society cannot report on corruption, without facing the significant risk of violent repercussions.

# Types of Grand Corruption Impacting on Human Rights

Lack of transparency, political protection, and minimal independent oversight, primes a wide range of improper or illicit practices. Examples include[[6]](#footnote-6):

* *Expropriation of private property*: There are examples still occurring of businesses and private property, primarily homes, being expropriated without adequate compensation, notice, or consultation.[[7]](#footnote-7) Homes and businesses are being expropriated to facilitate new developments, including property developments and transport infrastructure. There are also examples of the businesses and assets belonging to ousted regime figures and their family members being expropriated, without public account being made of the basis on which the expropriation occurred, and what has been done with the assets to ensure they are being employed in the public interest.[[8]](#footnote-8) There are, finally, concerning reports that significant numbers of jailed business people are in prison, after state power was abused to destroy their companies and acquire the assets.[[9]](#footnote-9) These individuals have been imprisoned on the basis of forced confessions using torture, and upon false evidence supplied by witnesses through the threat of torture and imprisonment.[[10]](#footnote-10)
* *Tax evasion*: When access has been obtained to private financial records of corporate conglomerates and comparison has been made with public financial filings, there has been significant under-reporting of assets, revenues and liabilities. Managers spoken to acknowledge the practice of keeping two sets of books. These practices are often linked to corruption. Businesses enjoy impunity from tax inspection sanction when they have political protection. We have also seen allegations from within the business community that senior tax committee officials privately appropriate tax payments.[[11]](#footnote-11) There is also evidence that certain businesses have arrangements with customs officials which allows them to import goods more cheaply, by not paying duties.[[12]](#footnote-12)
* *Tax avoidance*: There is wide-spread practice in government of providing particular businesses with tax exemptions, without transparent selection criteria, or public information on how the determination was made (a practice that becomes more problematic when the benefiting entity is owned by a politically exposed individual)[[13]](#footnote-13). There is also wide-spread use of offshore holding vehicles, incorporated in jurisdictions regarded as tax havens.
* *Money laundering*: Evidence has been discovered of highly suspicious front companies exhibiting numerous red flags, channeling investments valued in the hundreds of millions of dollars. On one occasion a company investing US$500 million in Uzbekistan was owned by a nineteen-year-old[[14]](#footnote-14). Or it is common to see large investments fronted by opaque offshore entities, such as a US$165 million textile investment facilitated through two Scottish Limited Partnerships, which illegally circumvented new UK transparency laws.[[15]](#footnote-15) In other instances, we have seen major companies arise overnight, incorporated in secrecy jurisdictions commanding significant sums of capital. With no prior history or transparency, they are being awarded major natural resource rights. The government of Uzbekistan has stated on the public record its priority is soliciting investment in a challenging context where it cannot afford to conduct proper due diligence.[[16]](#footnote-16)
* *Fraud*: White-collar crime, especially fraud is a significant problem in Uzbekistan. During the course of investigative research, significant evidence has been discovered of fraud targeting private banks, and public finance institutions, leading to hundreds of millions of US dollars in loss in the examples investigated. But there is almost certainly a much larger darker figure of money lost to fraud in Uzbekistan.
* *Embezzlement*: The privatisation of state assets and companies in largely opaque conditions, sometimes at zero cost, presents an ongoing risk of embezzlement. Because the details of these transactions are not on the public record, it is impossible to verify whether improper sales have taken place.
* *Market Rigging*: Because of the close fusion between public and private power in a clientelist system of authoritarian politics in Uzbekistan, businesses shadow owned by public officials, or operated by clients of public officials, are able to obtain unfair advantages through the abuse of state power. This can take place in a range of ways. Evidence has been obtained of state officials forcing consumers to purchase certain products, or face the threat of losing their operating license, or risk other forms of repercussion. There are also examples of businesses being awarded market monopolies. In one notable example, a politically exposed company was awarded a monopoly over a certain service which consumers were forced to purchase or face legal sanction.
* *Procurement rigging*: Information on public procurement is absent or sporadic in nature. There is no central portal where the public can access systematic data. When information has been released on high value contracts, and then investigated, serious red flags have been identified, including offshore shell companies operated out of a residential home, winning contracts over established businesses in the area.[[17]](#footnote-17)
* *Conflicts of interest*: Public officials, including senior politicians, hold beneficial interests in companies directly, or more commonly indirectly through family members or associated proxies. These interests are not being declared, even when the business impinges directly on their public area of responsibility. Given the widespread use of proxy arrangements, the hidden figure of conflicts of interest currently operating in Uzbekistan is likely to be large.
* *Nepotism and clientelism*: There is no fair or open playing field in business, particularly in the most lucrative areas of the economy. Successful businesses must be operated by powerful public officials, family members of public officials, or clients of public officials. These relationships sustain uncompetitive advantages including tax/custom exemptions, the award of lucrative licenses, privileged access to state aid, access to discounted finance, to name just a few examples. This allows connected businesses to enjoy high rates of return, to the cost of consumers, the state, and law-abiding taxpayers.
* *Rights of Victims:* Victims rights to remedy, compensation and non-reoccurrence, are not enforced with respect to grand corruption. And in those instances where grand corruption has been prosecuted – often linked to politics than the impartial administration of justice – and the proceeds of crimes seized, no public account is made of how the assets have been applied to compensate victim communities. This is a particularly notable concern as the Government of Uzbekistan plans to repatriate US$1.5 billion in stolen funds, linked to the case of Gulnara Karimova.[[18]](#footnote-18)
* *Persecution of journalists and activists*: Journalists working in Uzbekistan remain acutely aware of the significant repercussions they would face if they exposed illegal dealings of public officials or major business figures. In 2019 it was revealed that the Mayor of Tashkent had been making serious threats against journalists, after a number of media outlets covered an international expose of his hidden interests in the US$1.3 Billion Tashkent City Development.[[19]](#footnote-19) Even bloggers writing on minor forms of regional corruption have faced swift retaliation.[[20]](#footnote-20)
* *Freedom of Information breaches:* While there is a right to request access to records produced by government, freedom of information requests are frequently not responded to, or rejected on spurious grounds.[[21]](#footnote-21)

# Forced Labour in the Cotton Sector

UGF and the Cotton Campaign warmly acknowledge and welcome the progress that has been made in recent years to eradicate the use of child and address the use of forced labor in the cotton harvest. We recognize that measures taken so far have led to significant tangible improvements. UGF’s monitoring results of the 2019 cotton harvest give reason to be hopeful that the Uzbek government will continue its efforts to eradicate forced labor of all categories of people including public sector employees, entrepreneurs and *mahalla* communities. At the same time, previously identified shortcomings in the reform process remain and pose significant obstacles to ending forced labor and paving the way for responsible business to engage in the Uzbek cotton sector.

Measures such as a clear political commitment, an increase in wages and some improvement in working and living conditions as well as public outreach campaigns promoting the prohibition of forced labor, have without doubt contributed to the decrease in the use of forced labor. However, according to UGF’s findings of the 2019 harvest, it is clear that key structural drivers of forced labor remain in place, and forced labor continues to affect the lives of thousands of Uzbek citizens. UGF monitored the cotton harvest in seven regions in Uzbekistan and identified known methods of coercion and key drivers of forced labor which have been elaborated on in the roadmap shared with the Uzbek government in 2019.

# Key Findings: Forced labour in the Cotton Sector

* While most pickers work voluntarily, UGF documented the forced mobilization of employees from public sector organizations and extortion of employees to pay for replacement pickers. With the exception of large cities and some district centers, employees from all over the country complained that they were afraid to refuse to go to the fields themselves or pay for someone to pick cotton in their place when directed to do so by government officials or employers.
* The Uzbek government remained closely involved in cotton production, including privatized cotton clusters, and used coercion to meet quotas and production targets. Regional and local officials again had the responsibility to oversee the fulfillment of government-imposed cotton production quotas and targets, which have been identified as a key driver of forced labor. Officials required people to pick cotton involuntarily or face consequences including loss of job or social benefits or reprisals at work. UGF monitors also documented cases in several regions where local officials forcibly mobilized pickers to work on privatized cluster farms.
* In 2019 the burden of forced labor shifted from people in lower paying/lower status jobs in health and education, to people working in mid-level level civil servant positions, such as employees of banks, local administrations and government agencies, as well as firefighters, police, military cadets, and emergency workers. These employees had to pick cotton or pay for a replacement picker or face consequences at their jobs. Entrepreneurs and traders also had to pick cotton or pay money to contribute to the cost of the harvest or risk consequences with the tax inspectorate that could affect their businesses. In one district of the Andijan region alone, UGF monitors documented pickers or replacement pickers who were sent to the fields from organizations including the district *hokimiyat*, tax inspectorate, utilities companies, the Farmers Council, the agriculture inspectorate, banks, and insurance companies.
* Employees of schools and hospitals in most regions did not participate in the harvest at all, which is a significant improvement on previous years. However, employees of schools and kindergartens in Khorezm, Jizzakh, Fergana, Tashkent and Karakalpakstan regions testified that their involvement in the cotton harvest on weekends began in late October. School directors were instructed by the district *hokimiat* to declare *khashar* (Uzbek tradition of voluntary unpaid community work) and to mobilize at least half of the school staff, including teachers and technical staff.
* Employees of medical institutions in the monitored areas, including nurses and paramedics, were also mobilized on weekends, receiving instructions from their immediate supervisors and the district *hokimiat* in Jizzakh, Khorezm and Karakalpakstan. A UGF monitor who observed medical staff in the Jizzakh region being sent to the fields reported that the deputy head doctor and a representative of the hokimiat checked the names of pickers on a list as they boarded buses and warned them: "Nobody forced you to pick cotton; you came for *khashar*".
* The most widespread involvement of medical workers in the cotton harvest took place in Karakalpakstan. For example, on October 28 2019, UGF monitors spoke to a nurse working at the maternity ward at the Turtkul District Central Hospital who said that staff had to leave every two days to pick cotton or give money to hire pickers and that out of 80 maternity hospital employees, 25 nurses or pickers hired by them left every day to pick cotton.
* UGF monitors obtained documents that show that forced labor continues to be government organized or the result of government policy. For example, a September 27, 2019 decree from the Ministry of Emergencies orders 2,100 firefighters to participate in the cotton harvest.[[22]](#endnote-1) A letter from the Uzbek Ministry of Defense, in response to an inquiry from a human rights activist, acknowledged that military cadets also picked cotton. UGF monitors also received confirmed reports of the widespread mobilization of police, military conscripts and cadets in the cotton harvest.
* Under the cluster system, the state government has also introduced cotton production targets for which local officials bear responsibility. During the 2019 harvest, this resulted in officials forcibly mobilizing pickers to pick cotton on private cluster farms, presenting conflicting choices for enterprises who are committed to preventing the use of forced labor in their value chains. UGF’s findings from the 2019 harvest show that privatized clusters enter into contracts with farmers to produce contract amounts in a way that closely mimics the quota system. Farmers lack autonomy, protection, have no bargaining power, and have no real choice over their contractual cluster partners. They face penalties for failure to meet the contract amounts, including threats from *hokims* that they will lose their land. The management of cluster contracts is often under the supervision of the prosecutor or other officials. While there is significant variation among clusters, some clusters essentially act as joint ventures with local administrations whereby clusters receive financing and the *hokimiat* pressures farmers to deliver contract amounts and in some cases mobilize pickers.
* Although the government has strengthened penalties for officials who use forced labor and has moved to criminalize repeat violations, the Labor Inspectorate has often failed to conduct proper investigations that result in accountability for officials who direct forced labor. The feedback mechanisms run by the Uzbek Ministry of Labor and the Federation of Trade Unions of Uzbekistan for citizens to report forced labor remain weak and lack widespread trust among the population. People who call hotlines are required to give their full name, address, passport, and employment details to register a complaint. Inspections usually do not go up the chain of command but have targeted low-level officials and supervisors who are themselves pressured to provide cotton pickers. Penalties are ineffective. A UGF monitor in Karakalpakstan reported a head doctor who required hospital employees to pick cotton. A labor inspector subsequently confirmed that the doctor had already been fined for using forced labor but continued to send employees to the fields nonetheless, presumably because he was under pressure to do so.
* The role of the *mahalla* or community leaders, in the recruitment of cotton pickers, both voluntary and involuntary, has remained intact*.* *Mahalla* leaders have considerable power in their communities because of their responsibility and discretion in the disbursement of social benefits so that residents feel unable to refuse the “request” to pick cotton. One *mahalla* leader told UGF “If we didn’t have people relying on us for benefits, we wouldn’t be able to find pickers.” *Mahallas* are under pressure to provide pickers on behalf of the *mahalla*, creating problems for pickers who want to pick cotton but prefer to work as replacement pickers for employees of public organizations so they can receive the replacement fee in addition to the price per kilo.
* Civil society plays a vital role in ensuring transparency and accountability, identifying, documenting, and bringing to light violations. While the government has made commitments to allow independent monitoring of the cotton harvest, it has not created an enabling environment for the free operation of independent human rights activists or civil society organizations, and continues to interfere with the work of independent monitors, including through arbitrary detention and spurious criminal charges. Most notably, the following cases give cause for alarm:
	+ In January 2020, the Uzbek government rejected the application to register **Chiroq**, an independent labor rights nongovernmental organization (NGO) in Nukus, Karakalpakstan, citing three minor grammatical errors in the application. It has also twice rejected the registration attempts in February and May 2019 of **Restoration of Justice**,an NGO that seeks to restore rights to people wrongfully imprisoned. The application was filed by three former political prisoners, one of whom participates in ILO monitoring efforts.[[23]](#endnote-2)
	+ On October 18, 2019, **Makhmud Rajab** a poet, journalist, and labor rights monitor from Khorezm province in northwest Uzbekistan, was sentenced to a 5-and-a-half-year suspended sentence on criminal charges of smuggling “extremist” materials. Rajab was taken into custody on September 22, when he staged a “protest march” to Tashkent to request that charges brought against him be dropped. He was sentenced to ten days’ administrative arrest and released on October 3. Rajab has reported on forced labor and child labor in the cotton sector since 2009, including as a monitor for UGF. He is no longer able to carry out his labor rights work due to fears that he will be found in violation of the terms of his sentence and sent to prison.
	+ In September 2019, blogger and activist **Nafosat Ollashukorova**, who covered the arrest of Makhmud Rajab, was first held under administrative arrest and then forcibly detained in a psychiatric hospital for almost three months. She has no history of mental illness and has been given no access to her medical files nor information on what medication she was forcibly administered. Since her release in December, she has complained of further attempts to detain her and has since left the country in fear of her life. Nafosat is the third activist in the space of 8 months to leave Uzbekistan due to reprisals from the authorities which they believe are related to their human rights work.

# Forced evictions

Over the past three years, demolitions of residential and non-residential premises have taken on truly catastrophic proportions in Uzbekistan. Tens of thousands of citizens are being deprived of their legal residence or commercial enterprises, which they own on the basis of legal documents of ownership. All those thousands of demolitions were carried out on the basis of illegal decisions made by the mayors of those cities.

**Legal framework**

There are only four (4) reasons under Uzbek law for the confiscation of land on which private property is located in the form of residential and non-residential premises for the State’s needs:

1) For the construction of strategic and military facilities, such as the airport, roads, military bases, etc.

2) If mineral deposits are found on the site

3) With a view to the implementation of international agreements to which Uzbekistan is a party

4) In order to implement the master plan of the city

Also, according to the legislation, the allocation or withdrawal of land is the responsibility of the councils of district deputies.

**Implementation in practice**

In practice, however, all decisions on the seizure of land and private property are issued in a voluntarist manner alone, without any tenders or projects that are known publicly, and to firms that often have no financial or construction history.

People whose houses are under demolition express their dissatisfaction by: appealing to the Prosecutor's office, the Mayor's office or by writing to the President. But not in court. Although the constitution provides for an independent judiciary, the verdicts delivered reflect the desires of the Uzbek Prosecutor General’s Office or other law enforcement bodies.

Here are some examples of the dependence of the courts on the authorities:

1) Tashkent: In June 2019, residents of houses located between 5, 2, 3 passages of S. Azimov Street submitted an application to the Chilanzar Administrative Court to invalidate the decision of the Tashkent Mayor #488 dated 27.03.2018. By this decision, the land plot between 5, 2, 3 passages, where more than 50 houses and non-residential buildings are located, was allocated to TRAINING PROJECT for the construction of multi-storey residential buildings.

It follows that this decision was made on the basis of the Protocol decision of the Cabinet of the Ministers of Uzbekistan № 01-05/121-1 dated 02.02.2018. The Mayor’s office had no legal grounds to send documents to the Commission of the Cabinet of Ministers on the allocation of this site, as there are residential houses and non-residential premises.

At the request of the lawyer, the government office received an uncertified copy of Protocol Decision No. 01-05/121-1 of 02.02.2018 out of 15 sheets, including 8 sheets of the Protocol and 7 sheets of its annexes. It was not possible to receive a certified copy then. There is not a word in this Protocol about allocation of a land plot for construction of residential houses by TRAINING PROJECT Ltd.

In court, the Tashkent Mayor’s office presented a lining, where there was a photocopy of the protocol of the Cabinet of Ministers ¹01-05/121-1 of 02.02.2018, consisting of only 4 sheets. In the copy there is indeed a clause according to which consent was given to the allocation of the said land plot of "TRAINING PROJECT" Ltd. for the construction of multi-storey residential buildings. However, this copy is not properly certified, it does not contain a seal and stamp of the Cabinet of Ministers' office, as well as the signature of the official confirming the compliance of the copy with the original. That is, the copy had no signs of an official document.

Copies of protocols received from the Cabinet of Ministers of the Republic of Uzbekistan and presented by the Tashkent City Administration, though have the same numbers and dates, but contain absolutely different texts. That is, these are very different documents. In state institutions, according to the rules of record keeping, the numbers of different documents cannot be the same.

It follows from the copy of the protocol submitted by the Mayor’s office that there is a permission to allocate 18 land plots for the construction of small and insignificant objects, including three land plots for the construction of individual housing.

These circumstances raised doubts as to the authenticity of the copy of the protocol submitted by the Mayor’s office. A petition was filed in court to request a certified copy from the Cabinet of Ministers. Representatives of the Mayor’s office and the developer demanded that the petition be denied, which increased suspicion of forgery. The judge rejected the petition, arguing that the court was challenging the decision of the Mayor, not the government's protocol.

At the request of the lawyer on 26.08.2019 it was possible to receive from the Cabinet of Ministers' Office a certified copy of the Protocol Decision No. 01-05/121-1 of 02.02.2018, consisting of 15 sheets. In other words, the one that was previously received by the lawyer, but was not certified. The Office issued this Protocol. If there were two protocols with the same number and date, the office would have issued both. This means that the decision of the Mayor was made on the basis of a false Protocol of the Cabinet of Ministers of Uzbekistan.

On 06.08.2019, the owners of houses applied to the General Prosecutor's Office with a statement in the form of a crime report, where, having outlined all the circumstances that give rise to suspicion of forgery of the Protocol decision of the Cabinet of Ministers, they asked to conduct an inspection and, in case of confirmation of the fact of forgery, to decide on the initiation of a criminal case.

At the end of August a statement was submitted to the prosecutor's office in Tashkent, from where it was sent to the prosecutor's office of Yashnabad district, and then to the police department of Yashnabad district. Recently, it became known that a district inspector of the Yashnabad police department was assigned to carry out the check-up on the application.

Having attached to his request a copy of the protocol decision consisting of only 4 pages and presented by the Tashkent City Administration, the lawyer appealed to the Cabinet of Ministers of the Republic of Uzbekistan with a request to inform whether the original copy of the Protocol was available in the Cabinet of Ministers. The Chancery replied that the Minutes of the Cabinet of Ministers of the Republic of Uzbekistan No. 01-05/121-1 of 02.02.2018 are available in the original in the archive of the Cabinet of Ministers.

Please note that the Office of the Cabinet of Ministers of the Republic of Uzbekistan does not respond to the merits of the request. According to the meaning of the request, they should have specifically answered whether the Cabinet of Ministers of Uzbekistan has Protocol No. 01-05/121-1 of 02.02.2018, consisting of only 4 pages. And they answered that the Protocol with the same number and date is available in the cases of the Cabinet of Ministers of Uzbekistan. What is the meaning of this? The courts do not even discuss the arguments of the applicants, the Prosecutor's Office does not want to be engaged in verification of the application, the Government Office does not provide relevant information on the request of the lawyer. The lawyer has sent a second request to the Cabinet of Ministers of Uzbekistan.

2) Tashkent: The court refused to satisfy the application of the residents of the houses on Parkent-2 Street to cancel the decisions of the Mayor on the allocation of land to the developer. The protocols referred to by the Mayor’s office could not be found.

On September 12 2019, the Chilanzar Administrative Court refused to satisfy the application of residents of houses on Parkent-2 Street to recognize the decisions of the Mayor to allocate land to the developer company Aliakbar Stroy Servis LLC as invalid. At the same time, the Cabinet of Ministers' protocol, on the basis of which the decisions of the Mayor were made, were not found by the government.

 At the time of the demolition on 24 May 2019, the residents of the military camp were not provided with the decisions of the Mayor’s office on the demolition. In violation of the government's own resolution on the procedure for compensating the residents for the loss due to the withdrawal of property for state needs, the residents received notification of the developer only in June, while some residents have still not received it. At the same time, the decision of the Mayor to withdraw the land plot, as required by the government's resolution on the procedure for compensation of losses, has still not been received by residents.

In its decision No. 463 of 23 March 2018 on the allocation of the land plot to the developer Aliakbar Stroy Servis Ltd. for the construction of multi-storey houses in the capital's Mayor’s office, it referred to the protocol of the Cabinet of Ministers "On construction and improvement works in the city of Tashkent". Decision No. 116 of 4 February 2019 on the location of the military vehicle park in the vacated territory [after the demolition of old houses] of the Tashkent Mayor’s office, referred to the minutes of the Government's field meeting of 29 June 2018.

On the basis of the Law on Advocacy, the lawyer of Timur Babajanov requested copies of the minutes, on the basis of which the decisions of the Mayor on allocation of the land plot to the developer were made. The Secretariat for Integrated Territorial Development, Communications and Defense Industry of the Government in its response, indicated that there are no protocols with this date in the Cabinet of Ministers.

3) Tashkent: Several houses were demolished in the Sergeli district in 2018 by the decision of the City Hall.

Residents filed a lawsuit against the Mayor’s office for compensation. The Administrative Court of the Sergeli district ruled that the Mayor’s office should pay compensation for the demolition of the house. A year has passed since the demolition. However, the Mayor’s office is not in a hurry to execute the court decision.

4) Tashkent region, Kibray village.

The trial was initiated by the residents of the house on A. Navoi Street 136 against the Kibrai District Administration on the issue of compensation for illegal demolition of the house. The Kibray Department of the Ministry of Justice filed a complaint with the court during a special action which took place between May-June of 2019. The hearing has been postponed for the second time. On the first occasion, representatives for the District Administration did not attend; the second time, our Applicants from the Biblical Justice Department did not attend (or answer the phone) and nor did representatives from the District Administration attend. The representatives of the Mayoriyat were called by the judge and they said that they were busy in Buka (other town) at another trial and could not attend. The judge requested the evaluator's report and the amount of compensation calculated by the evaluator. However, this was not undertaken, as no nobody had evaluated the demolished house in advance. The demolished house could not have been assessed prior to demolition, as it was demolished without warning. We were therefore not provided the opportunity to conduct an assessment.

These examples are just "a drop in the sea" of trials that have taken place throughout Uzbekistan. However, only a small fraction of the people who are under eviction danger are filing complaints in Uzbekistan’s court because there is a generally held belief that the judicial system of Uzbekistan is compromised and partial towards the interests of those in political and economic power. Therefore, the submission of legal petitions to the courts are useless.

It should be noted that Uzbek citizens rarely go through all the courts to defend their rights because they completely lose faith in the justice of the court. For example, the **case** involving the family of **Davron Halikov,** who works as tutor in an orphanage of Tashkent, as outlined below.

**The institution of compulsory registration (propiska):**

The systems of “*propiska*” is compulsory registration conducted by the Internal Affairs authorities, which is a practice from the Soviet era. In Uzbekistan, this practice continues to this day. Those coming to the capital must, within ten days of the date of their arrival, submit all necessary documents for registration with the Internal Affairs authorities.

Before eviction, Davron was registered to the house of his parents. After the demolition of this property, some part of Davron’s family – uncle and cousins who lived in the same house - received new flats. But Davron with his family didn’t receive compensation - he was evicted. Davron lost the right of registration. The requirement to maintain registration at a domicile is very important in Uzbekistan. Loss of registration can result in the loss of other rights: access to public health, access to banking services, access to social assistance, access to security benefits, access to credit for buying an apartment. In addition, Davron couldn’t be inscribed on the waiting list for social housing for example. Davron’s family now rents an apartment, do not have enough money to cover the rent. The rent is more than Davron’s salary. He therefore receives financial support from his brother, who tries to help where possible . As a result of the severe strain and impact of these developments, Davron recently was hospitalized with a heart attack. Davron describes his situation as follows:

“My wife and four children are registered at a different address in my uncle's house because my old house has for many years been forbidden from being registered due to its planned demolition. For this reason, I couldn't register them to my own home. They are only registered there and that's all. They don't get any child allowances, nor medical care, just like I don't get there. Children go to school next to our rented apartment.

In order to get access to affordable municipal housing, the district committee (makhallas) must approve an act relating to the poor and constrained conditions of the several families living together. Since my house has already been demolished, the necessary act couldn’t be issued. I am still registered at the address that was demolished in March 2018 for the construction of Tashkent-City.”

**Judicial procedures**: Davron submitted a complaint to the Administrative Court of the Chilanzar district of Tashkent (court of first instance) against the Mayor’s Office of Tashkent. As compensation for the demolition of his flat, Davron had requested a flat as compensation. He lost the court of first instance, because the judge decided that Davron wasn’t living in the house of his parents prior to demolition and he therefore had no right to compensation. However, Davron had been resident there. Under Uzbek law, all members of the family living and registered at the house prior to demolition have the right to compensation for at least 16 meters². Davron then submitted an appeal to the court of the second instance – the Administrative Court of the city of Tashkent. “The trial lasted just one session, and the judge of the second instance only repeated the decision of the first instance. In addition, in the courtroom where the case was heard, the mayoralty's lawyer, i.e. the defendant, was sitting demonstratively on the spot assigned to the prosecutor. She ignored the fact that she was actually on the defendant's side, not the deputy prosecutor. “And she did not come to the city court at all....”, said Davron.

**Limited access to justice**:  Davron did not have a lawyer present at either the court of first or second instance : “ My only recourse to a lawyer ended up with the whole agency saying, "Only a fool is involved with the demolition cases. The client will only spend the money and there are no guarantees”. That's why I was running [my case] myself.”, said Davron.

Lawyers services are exorbidant particularly for especially for poor people like Davron. The court fees alone are cost the one third of the salary of Davron.

Theoretically, Davron could submit to the court of third instance – the Supreme Court. “I haven't made it to the Supreme Court yet. Honestly, I do not want to. Knowing our judicial system, I don’t believe in it. I will only spend money on state duties and lose time.  And in my case I do not have time.  Rent of apartments, utility bills, and food for my wife and 4 children. I'm the only one working”, Davron said. “Honestly, I'm tired. Constant nervous tension. It all affects my overall well-being, I'm afraid I'll have to start treatment again soon. I am not worried about myself at all. I worry about children.”

**Corruption**: “The only mistake I made was that I did not "grease" the head of the mahalla in time to draw up a report on the residents. This was referring to the fact that they did not find me during the house-to-house round, the committee of the Mayor’s Office and the court made their decisions. They did not even look at the other my documents provided. Despite the arguments that I did not live there at all.

A special quarter was built for the residents evicted from our old neighbourhood. There all our people were relocated. However, there are about 60 people living there who are not familiar to anybody, neither to my neighbors, nor to my relatives.  Nobody knows where they came from and how they got houses. And 25 - 30% of apartments in the new quarter specially built for the residents of this mahalla, are empty and put up for sale. This gives reason to believe that these people had somewhere else to go and/or did not live in this mahalla, but still somehow got housing in this neighborhood”.

# Recommendations: Steps for Countering Corruption-Human Rights Breaches

In order to counteract these forms of corruption and white-collar crime that erode the enjoyment of human rights in Uzbekistan, a range of reforms should be implemented. Critically these reforms need to go beyond enactment of laws and decrees. They require systematic evidence of practical implementation.

1. Provide an independent, and speedy, procedure for all those wrongly imprisoned to appeal their conviction; and obtain compensation for all property confiscated on improper grounds.
2. Provide an independent, speedy and effective mechanism for individuals and businesses to obtain remedy where their property has been improperly or inadequately seized.
3. Systematically observe the UN Guiding Principles on UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.
4. The rights of victims of corruption must be upheld through safe, secure complaints mechanisms, open/accountable prosecutions, and the redistribution of stolen monies in a transparent, equitable and justice oriented manner.
5. Remove the provision of state support or aid facilitated on the basis of opaque proposals formulated by government or private entities. State aid should be provided in a strategic and open manner, with a clear rationale and protocol for its distribution that does not give unfair advantage to any particular entity.
6. Ensure market competition is open, transparent and built on integrity. This requires a public online register of legal entities which includes current and historical filings relating to shareholders, directors, and annual accounts, complimented by public information on beneficial owners and persons with significant control. All of which should be enforced by serious sanctions for non-compliance.
7. Reform the companies law to strengthen reporting requirements, directors duties, and other mechanisms that can assure responsible business conduct.
8. Support public reporting on regulatory enforcement activities, so regulators must account to taxpayers on their performance in assuring compliance.
9. Systematically enforce legal requirements to transparently and competitively procure private actors wishing to bid for government business, or to receive government administered business opportunities.
10. Ensure all procurement processes, and their outcomes, are published on a single unified database that is accessible to the public.
11. Strengthen due diligence capacity and processes within government to ensure the integrity of state initiated and state facilitated business activity.
12. Significantly enhance the rigour of anti-money laundering procedure to ensure all suspicious financial flows are the subject of considered scrutiny.
13. Introduce rigorous procedures for managing conflicts of interest, including the formal censuring of officials who fail to conform with existing prohibitions on undeclared conflicts of interest.
14. Develop oversight mechanisms including public audits, open and transparent public spending oversight committees and organisations, that investigate finances, procurement, and abuse of power, and provide detailed information to the public on the findings of these investigations.
15. Significantly increase the independence of the legal profession and judiciary through the development of peer oversight free from state control. Continue with reforms to administer open justice, through the publication of unredacted decisions, and the removal of secret hearings.
16. Enforcement of freedom of information laws, to ensure civil society is able to add an extra layer of independent accountability that will help to ensure fair, transparent and strategic use of public power. Government departments that fail to comply with these laws should face formal sanction.
17. Develop a strategy and legal protections that will permit journalists, and civil society, to report on corruption without fear of persecution.
18. Support the integrity of senior government recruitment through thorough due diligence where the past track record of applicants is scrutinised to ensure they conform with the anti-corruption and ethical values the government of Uzbekistan has now committed to.

# Recommendations: Forced Labour in the cotton Sector

1. The State party should put an end to forced labour in the cotton and silk sectors, inter alia, by enforcing effectively the legal framework prohibiting child and forced labour, including by rigorously prosecuting those responsible for violations, ensuring human rights and due process is observed, and by improving the working and living conditions in those sectors.
2. The State party should also review its laws and practices to ensure financial transparency and address corruption in the cotton industry and take all measures necessary to prevent deaths in connection with cotton harvesting, investigate thoroughly such cases when they occur and provide effective remedies, including adequate compensation, to victims’ families.
3. The State party should remove quotas and production targets from all agricultural production. Farmers must be free to choose crop varieties and volumes.
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2. See, for example, *On Measures to Introduce Modern Forms of Organizing Cotton-Textile Production*, Decree, Cabinet of Ministers of the Republic of Uzbekistan, 25 January 2018, available online: [www.lex.uz/ru/docs/3527483](http://www.lex.uz/ru/docs/3527483) [↑](#footnote-ref-2)
3. Lasslett, K. (2019) ‘You should know where the money’s coming from: a response to the mayor of Tashkent’, *Open Democracy*, <https://www.opendemocracy.net/en/odr/you-should-know-where-money-s-coming-from-response-to-mayor-of-tashkent/> [↑](#footnote-ref-3)
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9. ‘Businessman Ahmed Alyev Told How the Gold Centre was Taken from Him’, Asia Terra, 28 October 2019, available online, [www.asiaterra.info/personys/biznesmen-akhmed-aliev-rasskazal-kak-u-nego-otnimali-gold-tsentr?fbclid=IwAR3rRFmIlb24Hqm2TbhPpYtg5nE9nhzTDDbhV9R4wMeKOunlGyirIyCreuc](http://www.asiaterra.info/personys/biznesmen-akhmed-aliev-rasskazal-kak-u-nego-otnimali-gold-tsentr?fbclid=IwAR3rRFmIlb24Hqm2TbhPpYtg5nE9nhzTDDbhV9R4wMeKOunlGyirIyCreuc) [↑](#footnote-ref-9)
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