HUMAN RIGHTS COMPLIANCE IN UZBEKISTAN: AN ANALYSIS OF UN COMMITTEE AND NGO RECOMMENDATIONS AND THE STATE’S RESPONSES

Zuxriddin Ismailov Maqsudjon o’g’li
Jahon iqtisodiyoti va diplomatiya universiteti,
Xalqaro huquq fakulteti 3-bosqich talabasi
zuxriddinismailovls@gmail.com .
F.M.Tashev
Ilmiy rahbar:
“Xalqaro huquq va ommaviy huquq fanlari”
kafedrasi katta o’qituvchisi
https://doi.org/10.5281/zenodo.20679193

ARTICLE INFO

Qabul qilindi: 09-iyun 2026 yil
Ma’qullandi: 11- iyun 2026 yil
Nashr qilindi: 13- iyun 2026 yil

KEY WORDS

human rights, Uzbekistan, United Nations, judicial independence, discrimination, torture, UPR.

ABSTRACT

This article examines Uzbekistan’s compliance with its international human rights obligations through the recommendations made by the UN Human Rights Committee, Special Rapporteurs, and NGOs in the context of Uzbekistan’s periodic reports and the Universal Periodic Review (UPR). It analyses the recurring concerns regarding judicial independence, corruption, discrimination, freedom of religion and expression, and conditions of detention, including the prevention of torture. While acknowledging the reforms undertaken by the state, the article highlights that many of the recommendations remain only partially implemented.

Introduction

Uzbekistan’s engagement with the United Nations human rights treaty bodies and the Universal Periodic Review (UPR) mechanism offers a useful lens through which to evaluate the state of human rights protection in the country. Uzbekistan’s last periodic reports to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were submitted in 2020 and 2022, respectively, and have generated a substantial body of recommendations from the Human Rights Committee (HRC), the UN Special Rapporteurs, and a range of non-governmental organisations (NGOs) participating in the UPR process. Since 2017, the government has undertaken a series of reforms across the judicial, administrative, and social spheres, several of which have been acknowledged positively by the Committee. Nevertheless, many of the recommendations made over the past decade remain only partially implemented or unaddressed altogether.

This article examines the principal areas of concern repeatedly raised by UN treaty bodies and NGOs in their reviews of Uzbekistan’s human rights record. It draws on the Concluding Observations of the Human Rights Committee on Uzbekistan’s fourth and fifth periodic reports, submissions made to the 44th session of the UPR Working Group, and the report of the Special Rapporteur on the independence of judges and lawyers. The discussion is organised around

five thematic areas that recur most frequently across these sources: the independence of the judiciary and national human rights institutions; corruption; discrimination, with particular attention to ethnic minorities and sexual orientation; freedom of religion, expression, and association; and the treatment of detainees, including the prohibition of torture and the right to liberty and security of person. The article concludes with an overall assessment of the extent to which Uzbekistan has responded to these recommendations and identifies the areas that should be treated as priorities going forward.

Main Body

1. Independence of the Judiciary and National Human Rights Institutions

Among the recommendations most frequently raised by UN Committees, the independence of the judiciary occupies a central place. When the UN Special Rapporteur on the independence of judges and lawyers visited Uzbekistan in 2019, he identified several structural features that continue to undermine judicial independence, chief among them the role retained by the President in the appointment of senior judges and in the approval of the structure of the courts.[1]

Article 70 of the Law on Courts still allows the President to propose candidates for the positions of chairperson, first deputy chairperson, and deputy chairperson of the Supreme Court. Similarly, the chairpersons and deputy chairpersons of the regional and Tashkent city courts, the Military Court, and the administrative courts of the regions and the city of Tashkent are appointed by the President upon the proposal of the Supreme Judicial Council.[2]

A related concern raised by the Human Rights Committee in its observations on Uzbekistan’s fourth periodic report relates to the independence and competence of national human rights institutions (NHRIs). Although Uzbekistan has established a Human Rights Commissioner (Ombudsman) and the National Centre for Human Rights, the Committee found that these institutions largely fall short of the standards set out in the Paris Principles, adopted by the UN General Assembly in 1993 (resolution 48/134). The Paris Principles call for NHRIs to be granted as broad a mandate as possible, to have members drawn from a representative range of civil society actors, and to be provided with adequate, independent funding and infrastructure so that they are not subject to the financial or administrative control of any other governmental body.[3]

On a more positive note, Uzbekistan has introduced significant judicial reforms since 2017, including the creation of administrative and economic courts. The introduction of administrative courts has, for the first time, allowed individuals to challenge the decisions of administrative bodies before an independent tribunal, while the system of economic courts was designed to protect the rights of private entrepreneurs and businesses. In 2017, a new act was also adopted regulating the financial functioning of the Ombudsman’s office, providing it with dedicated state funding.

[1]Report of the Special Rapporteur on the independence of judges and lawyers, Human Rights Council, 44th session, 2020.

[2]Law of the Republic of Uzbekistan No. LRU-703, 2021.

[3]OHCHR, Principles relating to the Status of National Institutions (the Paris Principles), General Assembly resolution 48/134 (1993).

2. Corruption

Corruption remains a serious concern in the assessments of UN bodies, notwithstanding several positive legislative steps. The Committee has welcomed the adoption of the Anti-Corruption Act in 2017 and the Anti-Corruption Policy for 2020–2021, and has noted that the state has extended the mandate of the Anti-Corruption Agency. However, the introduction of a system of mandatory income and asset declaration for public officials, which has been repeatedly recommended, has still not been completed. Without such a system, the practical enforcement of anti-corruption legislation remains limited, and the broader institutional reforms risk being undermined by a lack of transparency at the level of individual officials.

3. Discrimination: Ethnic Minorities, Gender, and Sexual Orientation

Discrimination has been one of the most persistent themes raised over the years, encompassing ethnicity, gender, and sexual orientation. Article 18 of the Constitution prohibits discrimination, yet the Human Rights Committee has noted that this prohibition is not consistently reflected across all areas of legislation.[4]

With regard to ethnicity, Uzbekistan’s population as of 2021 was composed of more than 84% Uzbeks, with Tajiks accounting for approximately 5%, Kazakhs around 2.4%, Karakalpaks 2.2%, Russians 2.1%, and Kyrgyz less than 1%. Submissions to the UPR have highlighted that these official figures do not fully reflect the lived reality of ethnic identity in the country. A significant proportion of the population in Samarkand and Bukhara self-identifies as Tajik, even though their official documents record them as Uzbek, and schooling in those regions is now overwhelmingly conducted in Uzbek, with Russian-language instruction less common and Tajik-language schools having been closed for a considerable time. The Korean community in Uzbekistan is reported to be declining, in part because there are no schools offering instruction in Korean, leaving many younger Koreans without access to their heritage language and pushing them toward Russian instead.[5]

Particular concern has been raised about the situation of the Luli people (sometimes referred to as “Central Asian Gypsies”), estimated to number around 70,000, who are not mentioned in the state’s own report. NGO submissions describe the Luli as facing critical conditions in most areas where they live, with inadequate access to healthcare, education, and housing, alongside de facto segregation, difficulties obtaining personal identity documents, and multiple, intersecting forms of discrimination based on ethnicity.

On gender, the Human Rights Committee has acknowledged some positive developments, including the fact that women constitute approximately 20% of the membership of the Senate of the Oliy Majlis (17 senators), and reforms to the Labour Code that allow women to take maternity leave of up to three years and exempt pregnant women and women with children under three from serving a probationary period. At the same time, the Committee has noted that forced and early marriage persists in rural areas, and that de facto polygamy continues despite the prohibitions established under the Covenant. The Criminal Code now also

[4]United Nations Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Uzbekistan, 17 August 2015.

[5]Anti-Discrimination Centre Memorial, submission to the Human Rights Council for the 44th session of the UPR (4th cycle), November 2023.

criminalises domestic violence, an addition made during later reforms, although the Code already contained provisions criminalising coercive sexual relations, unlawful deprivation of liberty, and marital rape.

Discrimination on the grounds of sexual orientation and gender identity remains one of the most sensitive issues. Article 120 of the Criminal Code continues to criminalise consensual sexual relations between adult men, and the Human Rights Committee has expressed concern about harassment and violence against LGBT individuals by law enforcement agencies. While Uzbekistan has indicated a willingness to consider decriminalising Article 120, the government has also stated that consensual same-sex relations between men are seen as contrary to the country’s traditions, family values, and national customs, and that decriminalisation would face significant public opposition.

4. Freedom of Religion, Expression, and Association

UN bodies have repeatedly expressed concern about the overly broad definitions of “extremism” and “extremist activity” in Uzbek law, as well as the continued criminalisation of insult, the dissemination of false information, and insult to the President. The state continues to criminalise religious activity carried out by unregistered organisations.[6]

Several individual cases illustrate the practical impact of these provisions. According to a Human Rights Watch report, the Muslim blogger and government critic Fazilhoja Arifhojev was sentenced to seven and a half years in prison for reposting and commenting on a religious video. Sobirjon Babaniyazov was sentenced in 2022 to three years for insulting the President online, and Valijon Kalonov, who had called for a boycott of the 2021 presidential elections, was placed in a psychiatric hospital by court order.

The Law “On Freedom of Conscience and Religious Organizations” bans non-state-approved religious education and prohibits the production, import, and distribution of religious materials that have not been state-approved. The law defines a category of activity carried out by religious groups that have not registered with the Ministry of Justice, and separately defines “missionary work” — meaning the forced imposition of religious belief — as a criminal offence. Religious instruction is restricted to state institutions, and religious ceremonies and rites require prior government approval. The Criminal Code retains provisions criminalising unregistered religious activity, missionary work, and the production, storage, or distribution of religious materials said to contain ideas of extremism, separatism, or fundamentalism. NGOs have warned that these broad definitions can be used to restrict freedom of religion, expression, assembly, and association more generally.[7]

The Committee has also drawn attention to the Criminal Code’s broad definition of terrorism, which has been used to charge and prosecute members of Islamic movements. Under Article 4 of the ICCPR, derogation from certain rights is permitted only where there exists a public emergency of an exceptional and temporary nature that threatens the life of the nation, and only where the state party has officially proclaimed a state of emergency. The Committee

[6]Human Rights Watch, submission to the UPR of Uzbekistan, 2023.

[7]ADF International, submission to the 44th session of the Human Rights Council's UPR Working Group, 2023.

has emphasised that the broad use of terrorism-related charges should not become a substitute for a properly proclaimed and limited state of emergency.[8]

On the question of assemblies, the Committee has reiterated the standards set out in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: when dismissing unlawful assemblies, law enforcement agencies should avoid the use of force wherever possible, and where an assembly becomes violent, force may be used only where less dangerous means have proven impracticable. Firearms, in particular, should be regarded as a measure of last resort, used only in self-defence or against an imminent threat to life, and any weapons used by law enforcement should be non-lethal and incapacitating wherever feasible.

5. Detention, Torture, and the Right to Liberty and Security of Person

Conditions of detention, and the prohibition of torture and ill-treatment, have been among the most consistently raised issues in Uzbekistan’s dialogue with UN treaty bodies. The Committee has acknowledged that Uzbekistan has taken measures in recent years to improve conditions in detention centres and facilities for the deprivation of liberty, but remains concerned about poor conditions, inadequate access to medical care and sanitary facilities, and chronic overcrowding.

A central recurring issue concerns the length of pre-trial detention. Article 9 of the ICCPR elaborates the principle of habeas corpus, the right of a person detained on suspicion of having committed a crime to challenge the legality of their detention before a court, and requires that anyone deprived of their liberty — whether by state officials or by other actors such as armed or terrorist groups — be informed promptly of the reasons for their arrest and of any charges against them, so that they may seek release if the grounds for detention are invalid.[9]

Following earlier recommendations, Uzbekistan reduced the maximum period of detention before a suspect must be brought before a judge from 72 hours to 48 hours, a change reflected in the country’s fifth periodic report submitted in 2018. In practice, however, the Committee has found that the 48-hour limit is not always respected, and that investigators sometimes classify individuals as witnesses rather than suspects in order to circumvent this limit. In many such cases, the principle of habeas corpus is not properly applied, and suspects are deprived of fundamental procedural rights, including access to a lawyer and the right not to make self-incriminating statements.

On the question of torture specifically, Article 7 of the ICCPR prohibits all forms of ill-treatment regardless of who commits it, while Article 1 of the Convention against Torture (CAT) defines torture broadly enough to capture acts committed by officials acting within or outside their official capacity, by individuals acting in a private capacity, or by anyone acting at the instigation of, or with the consent or acquiescence of, a public official.[10]

Article 235 of the Uzbek Criminal Code criminalises torture used to obtain testimony during initial inquiry or pretrial investigation, but for a long time this narrow scope effectively created impunity for ill-treatment committed in other contexts, such as against convicted

[8]CCPR General Comment No. 29: Article 4, Derogations during a State of Emergency, Refworld.

[9]OHCHR, General Comment No. 35 on Article 9, Liberty and Security of Person.

[10]OHCHR, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

prisoners. In 2018, an amendment to Article 235 widened both the range of potential victims — now including suspects, the accused, defendants, convicted persons, witnesses, and other parties to proceedings — and the range of culprits, covering law enforcement officials and any person acting with their permission or at their instigation. The amendment also broadened the definition of torture to include the infliction of blows, threats, cruel treatment, and other unlawful actions causing harm, and provided that evidence obtained through such acts is no longer considered lawful.[11]

A further amendment to Article 235 has since brought the provision into closer alignment with the requirements of the Convention against Torture, extending both the definition of the offence and the list of persons who may be held liable. The Ombudsman is now competent to receive complaints directly from detainees who allege ill-treatment by enforcement officers or by individuals acting with their permission or instigation. However, the existence of penalties for perjury and false denunciation has been identified as a factor that may discourage detainees from reporting such treatment, out of fear that an unsuccessful complaint could itself result in punishment.

Separately, in January 2017 a new law was adopted to regulate procedures in administrative detention facilities. Article 29 of this law restricts the use of force by facility staff so that it may not be carried out in a cruel, inhuman, or degrading manner, and permits force only to suppress offences or to overcome resistance where detainees refuse to comply with lawful demands. Where the use of force results in harm to the health or life of a detainee, the law requires that the prosecutor be informed immediately.[12]

The Committee has also addressed the events that occurred in Andijan in 2005, calling on the government to identify and hold accountable those responsible for human rights violations committed at that time, on the basis that the original investigation was inadequate and the matter has effectively remained closed for years. Uzbekistan’s own account of the events describes a terrorist attack carried out by a religious group, Akromiya, which took 70 civilians hostage and killed 15 of them, with the state reporting a total of 187 deaths, including 63 civilians and 31 law enforcement officers and soldiers, alongside 89 members of the group killed during the operation. A delegation sent by the European Union in 2006 and 2007 to review the investigation and court materials concluded that the events amounted to a terrorist attack against the state. The divergence between this account and the Committee’s call for an independent accountability process for any violations committed by state actors during the response illustrates the broader tension between the government’s security narrative and the human rights concerns raised at the international level.

Conclusion

Taken together, the recommendations made by the Human Rights Committee, the Special Rapporteur on the independence of judges and lawyers, and the NGOs participating in Uzbekistan’s Universal Periodic Review present a picture of a country that has undertaken genuine and, in some respects, significant reform, while still falling short of full compliance with its international human rights obligations in several core areas. On the positive side, Uzbekistan

[11]Law of the Oliy Majlis, 2018, amending Article 235 of the Criminal Code.

[12]Law on the Procedure for Serving Administrative Detention, 9 January 2017, No. LRU-420, Articles 29-30.

has reduced pre-trial detention periods from 72 to 48 hours, introduced administrative and economic courts, closed the Jaslyk prison, amended Article 235 of the Criminal Code to broaden the definition of torture and the categories of victims and perpetrators it covers, adopted anti-corruption legislation, strengthened the financial independence of the Ombudsman, and made incremental improvements to the legal protection of women, including longer maternity leave and the criminalisation of domestic violence.

At the same time, several of the most serious concerns raised over the past decade remain largely unaddressed. The President continues to play a central role in the appointment of senior judges, which the Special Rapporteur has identified as a structural threat to judicial independence. The National Centre for Human Rights and the Ombudsman’s office continue to fall short of the Paris Principles. The system of mandatory income and asset declaration for public officials, repeatedly recommended as a key anti-corruption measure, has still not been introduced. Article 120 of the Criminal Code continues to criminalise consensual same-sex relations between adult men, and members of the LGBT community continue to face harassment and violence from law enforcement. Ethnic minorities, and the Luli community in particular, continue to face systemic discrimination in access to healthcare, education, housing, and documentation. The broad definitions of extremism, terrorism, and unregistered religious activity continue to be used to prosecute bloggers, religious practitioners, and government critics. And despite the 2018 amendments to Article 235, the 48-hour detention limit is not consistently respected in practice, and habeas corpus protections are not always effectively applied.

On balance, the trajectory of reform since 2017 suggests that the government is, at least formally, moving in the direction sought by the international community, and the willingness to engage with the periodic reporting process and to acknowledge areas of continuing concern is itself a positive sign. However, the gap between legislative reform and its practical implementation remains the central challenge. Three areas in particular should be treated as priorities: first, removing executive influence over the appointment of senior judges and bringing national human rights institutions into compliance with the Paris Principles; second, addressing discrimination on the grounds of ethnicity, gender, and sexual orientation in both law and practice, including the situation of the Luli community and the continued criminalisation of consensual same-sex relations; and third, ensuring that the 48-hour detention limit and the prohibition of torture are consistently enforced in practice, not merely codified in law. As one observer noted in reflecting on these issues, the rights of every individual are diminished when the rights of any one individual are threatened, and it is on this basis that continued international scrutiny of Uzbekistan’s human rights record remains both necessary and constructive.

Bibliography:

1. Anti-Discrimination Centre Memorial, submission to the Human Rights Council for the 44th session of the Universal Periodic Review (4th cycle), November 2023. Available at: https://upr-info.org/sites/default/files/country-document/2024-01/ADC_Memorial_UPR44_UZB_E_Main.pdf
2. ADF International, submission to the 44th session of the Human Rights Council’s UPR Working Group, 2023. Available at: https://upr-info.org/sites/default/files/country-document/2024-01/ADF_International_UPR44_UZB_E_Main.pdf

3. Human Rights Watch, submission to the Universal Periodic Review of Uzbekistan, 2023. Available at: https://upr-info.org/sites/default/files/country-document/2024-01/HRW_UPR44_UZB_E_Main.pdf
4. Law on the Procedure for Serving Administrative Detention, 9 January 2017, No. LRU-420, Articles 29–30. Available at: https://www.lex.uz/uz/docs/6821920
5. Law of the Republic of Uzbekistan No. LRU-703, 2021. Available at: https://lex.uz/ru/docs/6118937
6. Office of the United Nations High Commissioner for Human Rights (OHCHR), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Available at: https://lex.uz/uz/docs/-3609511
7. OHCHR, General Comment No. 35 on Article 9 (Liberty and Security of Person). Available via OHCHR treaty body documents.
8. OHCHR, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Available via OHCHR documents.
9. Refworld, CCPR General Comment No. 29: Article 4 (Derogations during a State of Emergency). Available via Refworld.
10. United Nations Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Uzbekistan, 17 August 2015.
11. United Nations Human Rights Committee, Concluding Observations on the Fifth Periodic Report of Uzbekistan, 2020. Available at: https://docs.un.org/en/ccpr/c/uzb/co/5
12. United Nations Human Rights Council, Report of the Special Rapporteur on the Independence of Judges and Lawyers, 44th session, 2020. Available at: https://docs.un.org/en/A/HRC/44/47/Add.1