



**FREEDOM NOW, UZBEK FORUM FOR HUMAN RIGHTS, AND THE HUMAN RIGHTS SOCIETY OF UZBEKISTAN “EZGULIK” –**

**JOINT SUBMISSION TO  
THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

**UNIVERSAL PERIODIC REVIEW: UZBEKISTAN  
44<sup>th</sup> SESSION  
HUMAN RIGHTS COUNCIL – UPR WORKING GROUP**

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**Introduction**

1. Freedom Now, Uzbek Forum for Human Rights, and the Human Rights Society of Uzbekistan "Ezgulik" submit this report to assist the UN Human Rights Council in its Universal Periodic Review (“UPR”) of the policies and practices of the Government of Uzbekistan (“Uzbekistan”). Freedom Now is a non-partisan, non-governmental organization that works to protect individuals and communities from government repression and defends human rights through direct legal support, targeted high-leverage advocacy, and capacity-building analysis and assistance. Uzbek Forum for Human Rights is a Berlin-based NGO dedicated to defending human rights and strengthening civil society in Uzbekistan with a particular focus on labor rights. The Human Rights Society of Uzbekistan "Ezgulik" is the only independent human rights organization in Uzbekistan.
2. This report documents the Uzbekistani government’s policies and practices pertaining to non-governmental organizations (“NGOs”) and the freedom of association. As outlined in detail below, Uzbekistan severely limits the foundation and operation of NGOs through laws, policies, and practices. These practices violate the government’s obligations under the International Covenant on Civil and Political Rights (“ICCPR”) and the Universal Declaration of Human Rights (“UDHR”) – a pattern noted by multiple UN treaty bodies and human rights organizations.
3. Uzbekistan did take some initial steps to reforming current law on NGOs (also referred to as nonprofit nongovernmental organizations, or NNOs, in Uzbekistan), which entered force in 1999. While the law has since been amended several times, these amendments introduced contradictions that have accumulated, making the task of complying with the law even more challenging. In 2019, President Mirziyoyev established a working group to draft a new code on NNOs following a study of other countries’ experiences and best practices in the area. A draft was prepared, submitted to the Cabinet of Ministers, and shared selectively in February 2020. While the draft code was never made public, available information suggests that the process through which it was developed was seriously flawed, including because independent civil society was not consulted, and also that provisions of the draft continued many of the most problematic elements of Uzbekistan’s existing control and oversight of NGOs. The fate of the draft code, or of the government’s plans to update Uzbekistan’s NGO laws, is unclear.
4. Unfortunately, despite accepting several recommendations regarding civil society, civic space, and NGOs and their ability to be formed and operate during the third UPR round, Uzbekistan has

made little progress since the previous review in implementing those recommendations and reforming its repressive policies and practices in this area. The absence of progress also runs counter to Uzbekistan's rhetoric regarding its commitment to supporting and enabling civil society and NGOs to flourish in the country.

### **Foundation of NGOs**

5. During the third UPR cycle, Uzbekistan supported eight recommendations pertaining to the foundation and registration of NGOs, each recommending that the government simplify or otherwise facilitate the foundation or registration of NGOs in the country. Nonetheless, Uzbekistan continues to require the registration of NGOs, prohibit those operating without registration, harshly penalize individuals allegedly involved in unregistered NGOs, and require that those seeking to register an NGO satisfy numerous arbitrary and burdensome requirements which, for many, are insurmountable.
6. In its 2014 concluding observations pertaining to Uzbekistan, the Committee on Economic, Social and Cultural Rights expressed concern about the mandatory registration of NGOs in Uzbekistan, recommending that Uzbekistan repeal the requirement and “[revise] national legislation in line with its obligations under article 8 of the Covenant and article 34 of the Constitution of Uzbekistan, which affirms the right of citizens to form their own organizations”<sup>1</sup>.
7. Registration is mandatory for NGOs in Uzbekistan. NGOs operating without state registration, and individuals organizing or participating in such activities, can be fined under Article 239 of the Administrative Code or imprisoned for up to five years under Article 216 of the Criminal Code.
8. Individuals seeking to establish and register an NNO must surmount numerous bureaucratic hurdles, much more than those seeking to establish a commercial legal entity. The process for registering an NNO involves opaque procedures and discretionary decision-making by registration authorities. For example, the Ministry of Justice or its territorial units responsible for NNO registration can forward registration applications to unnamed entities for their “expertise”<sup>2</sup>. The organizations capable of providing expertise and any details of that process are unclear and not stipulated by law. The grounds for denial of registration applications are likewise opaque and discretionary. For example, the Law “On NNOs” allows the authorities to deny applications in cases where the name or symbols of the would-be NNO are inconsistent with the inherently vague concepts such as the “morality, national, or religious feelings of citizens.” Another barrier to registration is the requirement that an organization must have office space rented or secured prior to registration, an impossible task for many NGOs unable to secure funding because they are unregistered. The Human Rights Committee, in its most recent concluding observations, noted such “unreasonable restrictions on the registration” of NGOs “may result in major practical obstacles,” specifically highlighting Articles 19, 22, and 25 of the International Covenant on Civil and Political Rights (“ICCPR”).
9. Recent experience demonstrates how these obstacles can severely limit enjoyment of the freedom of association and other human rights. According to individuals seeking to register an NNO,<sup>3</sup> registration can take up to 10 months despite the legal requirement to review and decide on registration applications within one month<sup>4</sup>. Individuals trying to register NNOs report receiving on average at least four rejections before gaining approval, though many registration efforts are refused under vague justification or for extremely minor reasons.

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<sup>1</sup> <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=E/C.12/UZB/CO/2&Lang=E>

<sup>2</sup> <https://www.icnl.org/resources/civic-freedom-monitor/uzbekistan#analysis>

<sup>3</sup> <https://cabar.asia/en/why-is-it-difficult-to-open-an-ngo-in-uzbekistan>

<sup>4</sup> Art. 23, Law “On NNOs.” See <https://lex.uz/ru/docs/10863>

10. In many instances, the government justifies rejections or decisions to not register an NGO by small errors in spelling or grammar, or other minor issues. Those seeking to register an NNO report that, upon identifying a supposed error or consistency in an NNO registration packet, the registration body returns the application to the applicant indicating the justification though without indicating other errors, mistakes, or issues in the registration packet. In a meeting with Freedom Now in April 2022, Ministry of Justice officials confirmed this process. Yet this can result in a protracted and frustrating back-and-forth process as the registering body identifies only the subsequent supposed error or mistake which appears in the text during each review of what is essentially the same application.
11. For individuals seeking to register an NNO with stated objectives to work on certain issues, such as human rights documentation and advocacy, the NNO registration process can be especially frustrating. For this reason, since Uzbekistan's independence in 1991, only four NNOs explicitly aiming to address human rights issues and operating without official or unofficial government support have received government registration.<sup>5</sup>
12. Efforts by the would-be founders of Human Rights House ("Inson Khukuklari Uyi" in Uzbek) to register an NNO to work on issues related to former political prisoners are illustrative of the challenges experienced by some. Agzam Turgunov, a former prisoner of conscience in Uzbekistan,<sup>6</sup> has sought to register an NNO to address the numerous challenges experienced by former political prisoners in Uzbekistan after they are released. For many years Mr. Turgunov and others have been unable to register the organization, having engaged in the tedious back-and-forth described above with the registration authority. On February 7, 2023, Mr. Turgunov received the 10th refusal to register the NNO due to the supposed absence in the organization's charter of provisions specifying "the competence and order of forming governing bodies, the duration of their powers, and the location of the permanent body" and information on the creation of the "executive office" of the organization.
13. In some cases, those seeking to register an NNO experience intimidation in connection with their registration application. For example, shortly after one rejection of a registration application by Mr. Turgunov, State Security Service officials visited<sup>7</sup> all eleven founding members of Human Rights House, ostensibly to verify their identities, even though the registration documents included the pertinent information.
14. The bureaucratic hurdles and other barriers to registering an NNO can lead to individuals giving up on the effort altogether. One such case is that of Azimbay Ataniyazov, a human rights activist in Karakalpakstan who tried to register an NNO (at first named "Chiroq," later named "Akbaskur") for 18 months without success. Encouraged by statements made by Uzbekistan's leaders about the importance of and need to develop civil society in the country, Mr. Ataniyazov and the 11 other co-founders began the process of registering "Chiroq" in December 2019. In accordance with government policy at the time,<sup>8</sup> the signatures and details of the founders should be certified by local officials or certain third parties, such as employers or school officials. However, upon seeking the signatures Mr. Ataniyazov encountered local officials wary of residents in their district participating in an independent human rights organization. Local

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<sup>5</sup> They are: the Committee for the Protection of Individual Rights (KPPL), the Human Rights Society of Uzbekistan (HRSU), the human rights society "Ezgulik" ("Mercy"), and "Khukukiy Tayanch" ("Legal Support").

<sup>6</sup> The UN Working Group on Arbitrary Detention determined in November 2011 that Turgunov's detention was a violation of international law. [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/WGAD/2011/53](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2011/53)

<sup>7</sup> The visit took place on November 23, 2021. See: <https://thediplomat.com/2021/11/where-are-new-uzbekistans-promised-reforms>.

<sup>8</sup> According to Resolution 57 of the Cabinet of Ministers of Uzbekistan of March 10, 2014. See: <https://lex.uz/ru/docs/2356874>.

officials in some cases also insisted that inconsistencies in documents, for example, because the authorities had changed the name of a street but had not updated the identity documents of the street's residents, were irreconcilable. While a new decree removed the requirement that local officials certify founders' details,<sup>9</sup> it also introduced confusion and an inconsistency in the law since the previous decree was still in force.

15. Mr. Ataniyazov and the other founders eventually submitted their NNO registration documents in January 2020, though they received a rejection due to a few grammatical errors. In their second registration attempt and in accordance with the new decree, the founders did not submit the confirmations by local officials of the NNO's founders addresses. This application too was rejected due to new mistakes in the application, which the founders contest, and the absence of the confirmations of the founders' addresses. Mr. Ataniyazov was again forced to seek the confirmations of the founders' addresses from local officials, and was again rejected, including on the basis that confirming the a founder's address would damage a local official's career. Unfortunately, at this point Mr. Ataniyazov believed that his effort to register the human rights NNO would ever be successful, and he and the other founders gave up.
16. Uzbekistani government officials often tout the supposed large number of registered NNOs in the country to refute claims that registering an NNO is difficult and burdensome, or that the government raises arbitrary barriers to their registration. Indeed, since 2009, the number of registered civil society organizations in Uzbekistan has nearly doubled.<sup>10</sup> Yet at least 66 percent of the country's 10,500 registered NNOs are government organized NGOs,<sup>11</sup> frequently called GONGOS, or their regional branches. Such GONGOS coordinate closely with the authorities, receive significant government support, and, because they are able to register, draw significant funding from abroad, crowding out funding for truly independent organizations. These data give the false impression that Uzbekistan fosters a civic space in which numerous and various NGOs are able to register and operate without discrimination and undue government interference and influence.

### 17. Recommendations

- Amend the law to ensure that registration of NGOs is not mandatory and that the registration process for those NGOs (NNOs) which choose to register is not overly burdensome and is compliant with international standards for freedom of association and assembly;
- Remove administrative and criminal penalties for founding or otherwise participating in an unregistered NGO;
- Reform regulations on the registration of NGOs to:
  - remove free discretion by the registration authority as well as other authorities playing a role in the registration process, such as local authorities;
  - ensure that the registration rules and process are easy to understand and satisfy and remove any unnecessary or duplicative bureaucratic requirements; and

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<sup>9</sup> <https://uza.uz/ru/posts/o-merakh-po-dalneyschemu-sokrashcheniyu-byurokraticheskikh-ba-10-12-2019>

<sup>10</sup> <https://fpc.org.uk/challenges-ngos-in-uzbekistan-are-still-facing>

<sup>11</sup> <https://www.iphronline.org/wp-content/uploads/2021/06/EU-UZB-HR-DIalogue.pdf>

- remove inconsistencies among existing laws and policies pertaining to NGOs to ensure that they are clear, consistent, and not open to discretion.

### **Restrictions on NGO Activities**

18. Even when NGOs manage to successfully register with the authorities, they still face significant challenges in undertaking their activities, particularly with regard to funding and access to resources. Contrary to public commitments to expand civic space and civil society participation in public life,<sup>12</sup> Uzbekistan has done the opposite by creating onerous requirements and imposing heavy-handed and arbitrary oversight of NGO activities and funding, often with no legal basis.
19. The Ministry of Justice exerts excessive control and interference in the activities of NGOs. Registered NGOs are obliged to comply with a number of procedures imposed by the Ministry of Justice in their day-to-day activities. For example, they are required to inform the authorities in advance of events, conferences, meetings, and travel. Full biographical information of all participants and a description of activities must be provided to the Ministry of Justice 20 days before an event if foreign guests are in attendance or if the event will be held outside Uzbekistan. The same information regarding events to be held in Uzbekistan without foreign participants must be submitted 10 days in advance. In addition, information must be provided in advance about the content of the event or activity, and the time and location of the event, and include related materials, as well as the personal data of participating foreign citizens. The Ministry of Justice has the right to review and reject these notifications. NNOs must also notify the authorities of any visits abroad or of visits from foreign guests. By February 1 of each year, NNOs must upload an annual report on their activities and expenditures of the previous year on the ngo.uz platform.
20. Oversight of NNOs beyond that already required by law further contributes to a hostile environment for civil society groups. A staff member of a representative office of a foreign NNO operating in Uzbekistan that spoke to Uzbek Forum for Human Rights on the condition of anonymity, said that their NNO often receives calls and requests for meetings from the Ministry of Justice with questions relating to its projects and activities. Face-to-face interviews are held with the head of the NNO but no minutes are taken.
21. In 2021, the NNO launched a project and held meetings with human rights activists in each region of the country to assess human rights issues. Although the Ministry of Justice approved the implementation of the project, officials of the Ministry participated in some of the meetings for their entirety, which created an environment where activists did not feel comfortable expressing themselves and led to their refraining from speaking openly about human rights issues.
22. In early 2023, the NNO again received a call from the Ministry of Justice requesting that work on certain projects be halted and prevented the transfer of funds without giving any legal justification.

### **Restrictions on NGO Funding**

23. NGOs seeking funding are must satisfy numerous burdensome requirements and are subject to a variety of bureaucratic procedures which are often contradict each other and the law. A

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<sup>12</sup> <https://www.gazeta.uz/ru/2020/06/27/human-rights>

government decree issued on June 16, 2022 further compounded these challenges<sup>13</sup>. These provisions contravene international standards on the right to the freedom of association and the right of NGOs to access funding, an essential component of the freedom of association, as provided for in the ICCPR (Article 22). Restrictions on NGO funding can have an impact far beyond the freedom of association. According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, “undue restrictions on resources available to associations impact the enjoyment of the right to freedom of association and also undermine civil, cultural, economic, political, and social rights as a whole”<sup>14</sup>.

24. The laws “On NNOs”<sup>15</sup> and “On Public Associations”<sup>16</sup> entitle NNOs to receive funding from foreign donors, but in practice these funds are subject to significant restrictions, many not provided for in the law. Moreover, the procedure for receiving foreign funding represents a significant hurdle for NNOs to access even a relatively small amount of funding.
25. The experience of the Karakalpakstan-based NNO Tulepbergen Kaipbergenov’s Foundation for the Development of Literature and Art is illustrative of these challenges. The organization won a small grant from a foreign donor in 2021 for improving the capacity and technical resources of non-profit organizations in Central Asia.
26. The foreign donor twice transferred the grant funds to the Foundation’s account registered at the Aloqabank branch in Karakalpakstan. Both times the funds were returned to the donor by the bank, even though the Foundation acted in accordance with the relevant laws that regulate funding from foreign donors. The NNO and grant complied with foreign donation limits established by Presidential Decree 5012<sup>17</sup>, according to which NNOs are allowed to receive up to one hundred basic calculation units per year in foreign donations, the equivalent of 30,000,000 UZS (approximately \$2,640 US) per year. The rejection of the funds transfer also contradicts Presidential Decree 5430<sup>18</sup>, which states that foreign funds “may be used without any obstacles after agreement of their receipt with the registering authority according to the established order.” However, the bank demanded a contract between the Foundation and the donor organization, as well as a letter from the head of the donor organization explicitly requesting the bank to accept the funds.
27. The Foundation won a second grant from an international organization to support youth leadership development in Karakalpakstan in July 2022. On November 10 of that year, the Foundation sent information on the project to the Ministry of Justice of the Republic of Karakalpakstan for approval. According to the Cabinet of Ministers Decision 858<sup>19</sup>, the approval or rejection of receiving grant funds shall be given within 15 days. When the Foundation received no notification within 15 days, it published a post on its Facebook page regarding the challenges it experienced in receiving the grant funds. Only after informing the public of these challenges did it receive approval of the funding from the Ministry of Justice.
28. Since the last UPR round, Uzbekistan has unfortunately increased the bureaucratic burden and hurdles for organizations seeking or receiving foreign grant funds, as well as the government’s discretionary authority in this area. On October 9, 2019, Cabinet of Ministers’ Resolution 858<sup>20</sup>

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<sup>13</sup> <https://lex.uz/docs/6063166>

<sup>14</sup> <http://freemassembly.net/wp-content/uploads/2016/04/UNSR-FOAA-info-note-India.pdf>

<sup>15</sup> <https://lex.uz/ru/docs/-11360>

<sup>16</sup> <https://lex.uz/ru/docs/-111825>

<sup>17</sup> <https://lex.uz/docs/5317627>

<sup>18</sup> <https://lex.uz/docs/3721651>

<sup>19</sup> <https://lex.uz/docs/4546607>

<sup>20</sup> <https://lex.uz/ru/docs/4546599>

approved new rules limiting the total value of grants or donations to NNOs from foreign sources to 4,460,000 UZS (approximately \$390 USD) unless they are approved by the Ministry of Justice, which retains the right to reject them.

29. According to Resolution 858 (Art. 13), the registration authority may refuse approval if the funds are considered to be designated for “forcibly changing the constitutional system, undermining the sovereignty, integrity and security of the Republic of Uzbekistan, infringing constitutional rights and freedoms of citizens, propaganda of war, social, national, racial and religious hatred, legalization of proceeds of crime and the financing of terrorism, encroachment on the health and morality of citizens.” This vague clause almost mirrors Article 25 of the Law “On NNOs” which can serve as the basis for the rejection of NNO registration applications.
30. Some of the grounds for rejection of foreign funding provide officials with broad discretion, in particular rejection on the basis of “encroachment on the morality of citizens.” Given that the concept is not defined in law and is inherently subjective, it is open to arbitrary interpretation.
31. Additional restrictions on foreign funding were introduced by Resolution 328 of the Cabinet of Ministers of the Republic of Uzbekistan of June 13, 2022<sup>21</sup>. The Resolution imposes oversight by so-called national partners, i.e., employees of state agencies, designated by the Ministry of Justice, who are empowered to interfere in the design and implementation of the activities of NNOs that are supported by funding from foreign sources.
32. According to Resolution 328, the national partner is tasked with developing a “roadmap” for the implementation of the foreign-funded project and coordinates the work of partner organizations. The national partner also has a number of other explicit duties, among them ensuring the “effective implementation” of the project by solving problems, making suggestions and additions to the project, as well as developing recommendations. The national partner is also responsible for signing memoranda of “mutual cooperation” with government agencies as well as evaluating project activities and analyzing project results. Such interference by government representatives essentially prevents NNOs working on sensitive issues, such as corruption or torture where government officials may be implicated, from receiving foreign funding.
33. The new government decree not only establishes expansive control over the implementation of NNO projects funded by foreign organizations or individuals, it forces NNOs to accept government officials looking over their shoulder and even interfering in their work from the day funds are received until the project is completed.
34. The Ministry of Justice refers to the oversight framework established by Resolution 328 as “mutual cooperation” of a public organization with the state administration. This “mutual cooperation” is to be carried out in strict accordance with the scheme dictated by the Ministry of Justice and carries legal liability for violation.
35. Under Resolution 328, receipt of foreign funding by NNOs must be reported to the Ministry of Justice, which then must request an opinion from the Ministry of Foreign Affairs. If the Ministry of Justice approves the funding, it then appoints a national partner, which develops a project implementation roadmap with the NNO. If the project funding exceeds approximately \$55,000, the roadmap must be approved by the Ministry of Justice and the Cabinet of Ministers, who can put forward suggestions or objections.
36. The roadmap must present all the project activities, the timeline and mechanism of their implementation, as well as the geographic territory of the project implementation. National

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<sup>21</sup> <https://lex.uz/docs/6063166>

partners are responsible for the implementation of activities identified in the roadmap and are to hold regular meetings to monitor the project, as needed. The participation of a national partner in an NNO project is mandatory and refusal to participate is not stipulated by Resolution 328.

37. Although section 4 of the Law “On NNOs”<sup>22</sup> provides that the state “may support” individual, beneficial NNO programs, it also states that “interference by government agencies and officials in the activities of NNOs is inadmissible.” In other words, Resolution 328 directly contradicts existing legislation pertaining to NNOs. Additionally, existing obligations to report their activities to the Ministry of Justice also amount to the *de facto* interference in NNO operation and activities.
38. Resolution 328 also contains internal contradictions. While it requires NNOs to submit to government officials in the design and implementation of their projects, Resolution 328 also states that “the national partner is not allowed to interfere in the internal affairs of NNOs,” and that “those guilty of violating the requirements of the provision shall be liable in the manner prescribed by law.”
39. *Recommendations:*
  - Adopt a comprehensive NGO code that respects and enables the legitimate role of civil society groups to freely conduct their work without interference by government officials, limits impermissible restrictions on access to funding, and removes contradictions among decrees, resolutions, and laws pertaining to NGOs;
  - Repeal Resolution 328 of June 16, 2022 pertaining to the foreign funding of NNOs; and
  - Ensure that provisions prohibiting government interference in NNO activity provided by section 4 of the Law “On NNOs” are respected.

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<sup>22</sup> <https://lex.uz/acts/10863>