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Human rights in Uzbekistan

Greens/EFA motion for resolution

Tabled by Heidi Hautala, Tamás Meszerics, Barbara Lochbihler, Ernest Urtasun on behalf of the Greens/EFA Group

The European Parliament,

- having regard to its previous resolutions on Uzbekistan,

- having regard to its resolution on the state of implementation of the EU strategy for Central Asia of 15 December 2011,

- having regard to the EU Strategy for a new Partnership with Central Asia, adopted by the European Council on 21-22 June 2007, and to the joint progress reports by the Commission and the Council of 24 June 2008 and 28 June 2010,

- having regard to the conclusions of the Foreign Affairs Council of October 2009 and 2010,

- having regard to the Partnership and Cooperation Agreement between the EC and Uzbekistan of 1999,

- having regard to its Rule 122 (5) of the Rules of Procedure,

A. whereas the overall human rights situation in Uzbekistan has further deteriorated over the last years in spite of the many efforts by the EU and international organisations to engage constructively with the Tashkent authorities,

B. whereas the Uzbek authorities have imprisoned thousands people on politically motivated charges to enforce its repressive rule, targeting human rights and opposition activists, journalists, religious believers, artists, and other perceived critics,

C. whereas authorities also regularly persecute and harass human rights defenders and civil society activists and block international rights groups and media outlets from operating in the country,

D. whereas among those imprisoned for no other reason than the peaceful exercise of their right to

freedom of expression there are 15 well known human rights activists(1), 5 journalists(2), 4 peaceful political opposition activists(3), 3 independent religious figures(4); whereas 7 others are perceived critics of the government or witnesses to the May 13, 2005 Andijan massacre, when Uzbek government forces shot and killed hundreds of mainly peaceful protesters(5); whereas many of those imprisoned are in serious ill-health, have been tortured, and had their sentences arbitrarily extended in prison,

E. whereas despite the commitments Uzbekistan has made relating to the protection of human rights, including the freedoms of expression, assembly, association, and religion guaranteed in the International Covenant on Civil and Political Rights, and the prohibition on torture enshrined in the Convention against Torture, it has faced virtually no consequences for its persistent refusal to acknowledge the existence of any individuals imprisoned on politically motivated charges, release them from prison, improve their treatment in custody, or end the cycle of crackdown, arrests, and convictions nor has the government paid any real cost for its systematic failure to cooperate with international institutions, including eleven special procedures of the United Nations Human Rights Council, various UN treaty bodies such as the Human Rights Committee and Committee against Torture, or the ICRC,

F. whereas when the Uzbek government has faced sustained external pressure, including sanctions, restrictions on military assistance, and other robust, public, specific criticism from its international partners, it has responded by taking incremental steps to improve human rights, including by releasing some individuals imprisoned on politically motivated charges on the eve of key bilateral summits or high-level visits,

G. whereas the Uzbek government continues to refuse an independent investigation into the 2005 massacre of hundreds of people in Andijan who had gathered to protest socio-economic problems and civil and political grievances in the country in connection with the government's prosecution of local business leaders on charges of extremism and membership in an illegal religious organization; whereas over two hundred individuals continue to serve sentences related to the Andijan events following closed trials that were marred by serious due process violations and indications that torture may have been used to procure confessions,

H. whereas in 2009 and 2010 the Council lifted the EU sanctions "*with a view to encourage the Uzbek authorities to take further substantive steps to improve the rule of law and the human rights situation on the ground"* stating, furthermore that *'the Council will closely and continuously observe the human rights situation in Uzbekistan'* and that *'the depth and quality of the dialogue and cooperation will depend on Uzbek reforms',*

I. whereas according to the latest reports forced labour and child labour in cotton harvesting are still widespread in spite of the commitment of the Uzbek authorities to clamp down on this practice,

J. whereas the EU-Uzbekistan Partnership and Cooperation agreement between includes a clear clause on the respect for democracy and human rights that the parties are committed to respecting,

1. Calls for the immediate and unconditional release of all persons imprisoned on politically motivated charges, held for peaceful expression of their political views, civil society activism, journalistic activity, or religious views;

2. Stresses that any of these people also alleged to have engaged in acts of violence should be granted a new and fair trial according to international standards;

3. Calls on the Uzbek authorities to eliminate torture and ill-treatment in pretrial detention and penal facilities, including by ensuring unhindered access to counsel at all stages of investigations, ensuring prompt access to appropriate medical care and re-establishing the independent monitoring of prisons and

to provide families of all prisoners with full information regarding the location and current health conditions of their relatives;

4. Urges Uzbek authorities to investigate and hold to account all officials, security service personnel, and penal system staff alleged to have tortured or ill-treated prisoners and detainees or denied requests for medical care;

5. Calls on Uzbekistan to comply with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ratify the Optional Protocol to the Convention against Torture, which requires Uzbekistan to permit visits by the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) and to establish an independent national preventive mechanism for the prevention of torture at the domestic level;

6. Urges the Uzbek government to immediately and fully implement the November 2013 recommendations of the UN Committee against Torture and the February 2003 recommendations issued by the UN special rapporteur on torture following his visit to Uzbekistan in 2002, including the immediate closure of Jaslyk prison 64/71 and to approve the pending requests by 11 UN special procedures to visit Uzbekistan, including the UN special rapporteur on torture and to allow unimpeded independent monitoring of prisons by the International Committee of the Red Cross and other independent monitors;

7. Urges the Uzbek government to cease the practice of arbitrarily exempting prisoners held on politically motivated charges who qualify for amnesty from annual amnesty declarations and of arbitrarily lengthening prison sentences for minor offences or “violations of prison rules” under article 221 of the criminal code on “disobedience to the terms of punishment.”;

8. Call on the EU High Representative, the EEAS and EU Member States to immediately put in motion a strategy with the aim of pressing Uzbekistan for concrete, measurable human rights improvements over the coming months, setting next year’s 10 year anniversary of the Andijan massacre anniversary as a deadline for progress; underlines that concrete improvements should include the conditions laid out by EU Foreign Ministers in 2010, which are: 1) releasing all imprisoned human rights defenders and prisoners of conscience; 2) allowing unimpeded operation of non-governmental organisations in the country; 3) cooperating fully with all relevant UN Special Rapporteurs; 4) guaranteeing freedom of speech and the media; 5) proceeding with practical implementation of conventions against child labour; and 6) fully aligning its election processes with international standards;

9. Takes the view that should there be no meaningful progress in these areas, the EU should take the lead and table a UN Human Rights Council resolution under item 4 establishing a dedicated country-specific mechanism for Uzbekistan, ensuring sustained and proactive engagement by the HRC through monitoring, public reporting and debate on the disastrous human rights situation in Uzbekistan;

10. Call on the EU to put Uzbekistan on notice that absent concrete, measurable progress on the above mentioned human rights concerns within the next six months the EU will impose targeted sanctions, including travel bans and asset freezes against those responsible for grave violations of international human rights law and impunity for such atrocities;

11. Request the EEAS to report back to the European Parliament on Uzbek officials considered responsible for human rights crimes and impunity, including the 12 against whom the EU had imposed sanctions in response to the Andijan massacre and the ensuing crackdown, which were subsequently lifted;

12. Request the Council, Commission and EEAS to provide Parliament with a public assessment of measures taken by the EU to press Uzbekistan to meet the human rights criteria set out by EU Foreign Ministers in 2010, including but not limited to an assessment of the effectiveness of the EU-Uzbekistan

human rights dialogue and outlining any concrete results that this dialogue has produced;

13. Call on the EU, in line with its own regulations and guidelines, to impose an immediate ban on export of arms and any security or IT equipment to Uzbekistan that can be used for internal persecution and repression;

14. Request the European Commission to respond to Uzbekistan's grave breach of GSP rules with regards to forced labour by immediately suspending the application of GSP benefits to Uzbekistan and open an investigation; calls for the prohibition of the import into the EU of goods manufactured on the basis of Uzbek cotton until the government of Uzbekistan takes effective measures to abolish state-organised forced labour in the cotton sector; calls on European companies to exclude Uzbek cotton from their supply chains;

15. Reminds EU Member States that some of the crimes committed in Uzbekistan related to the Andijan massacre and the crime of torture are subject to universal jurisdiction, and in this respect EU Member States have a duty to fight impunity for such crimes and urge that they investigate and prosecute serious crimes committed in Uzbekistan when possible under their universal jurisdiction laws;

16. Points out that the EU assistance to Uzbekistan focused also on the rule of law and the reform of the judiciary; takes the view, in this regard, that in case of persisting lack of substantial progress these EU funds should be cut and diverted to countries willing to constructively engage with the EU in these fields;

17. Expects the EEAS to firmly address all the main cases of human rights violations at the meeting of the EU-Uzbekistan Human Rights Dialogue scheduled for November and to make these meetings more result-oriented overcoming the current deeply disappointing stalemate;

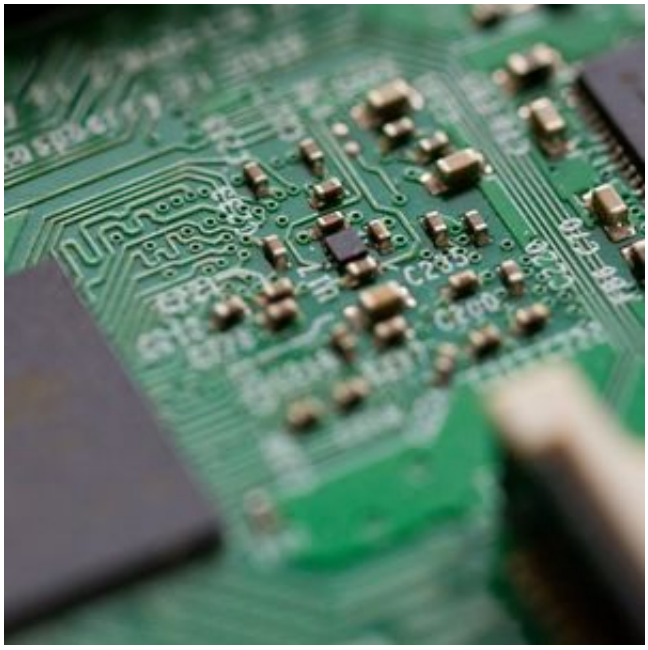
18. Calls on the EEAS in Tashkent in coordination with EU Member States representations to closely monitor the cases of political prisoners assisting families and lawyers and showing public support for the work of human rights defenders;

19. Instructs its President to forward this resolution to the President, the Government and Parliament of Uzbekistan, the EEAS, the Council and the Commission.

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