

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE:
AL UZB 1/2017

5 April 2017

Dear Mr. Lapasov,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 25/2, 32/32, 25/18, and 32/19.

In this connection, we would like to bring to the attention of your Government information we have received concerning the alleged arbitrary arrest and detention in a psychiatric institution of human rights defender, Ms. **Elena Urlaeva**, as well as the verbal attacks to which she has been subjected while in police custody, which appear to be related to her legitimate human rights activities and her cooperation with international organizations.

Ms. Elena Urlaeva is a prominent human rights defender and the Head of the Human Rights Defenders Alliance of Uzbekistan. She organizes public demonstrations in defence of human rights and interacts with victims of human rights violations for monitoring purposes. In recent years, Ms. Urlaeva has been particularly engaged in monitoring incidents of forced labour practices in the cotton industry in Uzbekistan involving Uzbek civil servants and students.

Ms. Urlaeva was the subject of a number of previous communications (UZB 2/2016 dated 11 November 2016; UZB 5/2010, dated 28 May 2010; UZB 6/2009, dated 28 April 2009; UZB 1/2007, dated 25 January 2007; UZB 8/2006, dated 4 April 2006; and UZB 23/2005, dated 6 September 2005). We acknowledge the receipt of the replies to these communications from your Government, but remain concerned about the new information which has been brought to our attention.

According to the new information received:

On 1 March 2017, Ms. Elena Urlaeva was allegedly arrested at the home of a friend in Tashkent in the presence of witnesses. She was taken to a police station, where she was insulted and mocked by police officers who told her that she needed psychiatric treatment. She was then transferred to a psychiatric facility in Tashkent, allegedly against her will.

On 2 March 2017, Ms. Urlaeva had reportedly planned to meet with representatives of the International Labour Organisation (ILO) and the World Bank.

On 24 March 2017, Ms. Urlaeva was released after 24 days of psychiatric detention.

Reportedly, Ms. Urlaeva had already been subjected to psychiatric detention, accompanied by physical and verbal ill-treatment, in 2001, 2005, 2012 and 2016. She had also been detained by Uzbek authorities on numerous occasions, during which she occasionally endured physical attacks and threats.

Grave concern is expressed about the arbitrary arrest and detention of Ms. Urlaeva for 24 days in a psychiatric facility, and the ill-treatment she reportedly suffered while in police custody, which appear to be related to her legitimate human rights activities and might also be aimed at preventing her from cooperating with international organisations, including the ILO and the World Bank. We are particularly concerned by the fact that the recent allegations concerning Ms. Urlaeva add to a number of past cases of reported ill-treatment and psychiatric detention to which she has been subjected to in retaliation to her activities in defence of human rights in Uzbekistan.

Finally, we remain deeply concerned about the persisting pattern of harassment and persecution of human rights defenders in Uzbekistan, and particularly those documenting human rights violations linked to forced labour practices in the cotton sector.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law**, attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal basis for the arrest and detention of Ms. Urlaeva in a psychiatric facility for 24 days. Please explain how these measures are compatible with Uzbekistan's obligations under international human rights law.
3. Please provide information on measures which have been taken to ensure the physical and psychological integrity of Ms. Urlaeva while in psychiatric confinement.

4. Please indicate what measures have been taken to ensure that human rights defenders in Uzbekistan are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment and prosecution of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence, and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Lapasov, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

Without expressing, at this stage, an opinion on the facts of the case and on whether the detention of Ms. Urlaeva in a psychiatric facility was arbitrary or not, we would like to refer your Government to article 9 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Uzbekistan on 28 September 1995, which guarantees the right not to be deprived arbitrarily of one's liberty.

We would further like to refer your Government to article 19 and 21 of the ICCPR that guarantee the rights to freedom of opinion and expression, which includes the right to seek, receive and impart information, as well as the right of peaceful assembly. In particular, we would like to remind your Government that any restrictions to these rights may only be imposed for one of the grounds set out in article 19 and subparagraphs (a) and (b) of paragraph 3 and in article 21, and must conform to the strict tests of necessity and proportionality. In this regard, we reiterate the principle in Human Rights Council resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3) of the ICCPR, including on reporting on human rights; discussion of government policies and political debate; government activities and corruption in government; and peaceful demonstrations or political activities.

We would also like to draw your Government's attention to Human Rights Council resolution 31/32, in which the Council expressed concern about systemic and structural discrimination and violence faced by women human rights defenders. Also, as highlighted by the Working Group on discrimination against women (A/HRC/23/50), stigmatization, harassment and outright attacks have been used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. General Assembly resolution 68/181, in addition, urges States to acknowledge publicly the important and legitimate role of women's rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7).

Furthermore, we would like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 point c) , which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 4, point a), which provides for the right to unhindered access to and communication with international bodies; and
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We wish to underline that Human Rights Council resolutions 12/2 and 24/24 call on Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. Moreover, in his 2016 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/33/19), the Secretary-General reiterates his firm position that all such acts, no matter how seemingly subtle or explicit, are without exception unacceptable and must be halted immediately and unconditionally, effective remedies provided and preventive measures adopted and implemented to prevent reoccurrence. (para. 49).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.