



EUROPEAN CENTER FOR
CONSTITUTIONAL AND
HUMAN RIGHTS



Brot
für die Welt



INKOTA 
netzwerk e.V.

December 8, 2011

To:
Ms. Dr. Angela Merkel, Chancellor of Germany

CC:
Mr. Dr. Guido Westerwelle, Federal Minister of Foreign Affairs
Mr. Markus Löning, Federal Commissioner for Human Rights and Humanitarian Affairs in
the Foreign Office

Open Letter: On Human Rights Day, Germany Should Commit to Proactively Pursue a
Human Rights Plan of Action on Uzbekistan

Dear Chancellor Merkel,

Bakhodir Pardaev is a 13 year-old Uzbek boy was put in a coma this September. Instead of being at school, he and his schoolmates had spent a day of work in the fields where, each year, they are forced to hand pick cotton during the fall harvest in order to meet the government's quotas. Compelled to return from the fields by walking along the highway, Pardaev was run over by a car. From 1.5 to 2 million Uzbek children and their teachers are forced every fall by the state to spend weeks working in precarious conditions to pick cotton – a violation of the United Nations Convention on the Rights of the Child and the International Labour Organization Convention 182 on the Worst Forms of Child Labour. Since Uzbekistan is the world's third largest cotton exporter, many Germans are probably wearing cotton harvested through the forced labor of Uzbekistan's children. Cotton generates about 20% of Uzbekistan's GDP, accounting for over \$1 billion. Yet, most, if not all profits end up in the hands of elites linked to the Uzbek government, which maintains a monopoly on all cotton exports. In other words, cotton helps financing President Karimov's authoritarian regime.

Last October 27, the parents of Dilshod Shohidov, a man serving an 8 year sentence in Uzbekistan on charges of distributing extremist literature and theft, sent a public appeal to authorities. When they last visited him, they saw marks of torture on his body, back, arms, and legs. His mouth was also seriously injured after he was force-fed by prison authorities to end his hunger strike. His parents write "It is not a secret anymore that from time to time inmates die in prisons and pre-trial custodies as a result of torture and similar ill-treatment. We are afraid that our son might also have a similar fate." United Nations bodies have determined that torture in Uzbekistan is both systematic and widespread. The European Court of Human Rights has repeatedly ruled that to send a detainee to Uzbekistan violates the prohibition on torture. The UN Convention Against Torture has indeed little resonance in the country – some of the enemies of President Karimov, according to independent reports, have

been boiled to death. At least a dozen human rights defenders are currently imprisoned for their work.

In two days, on December 10, we celebrate the world's Human Rights Day. 63 years ago, in the aftermath of the atrocities committed during the Second World War, the General Assembly of the United Nations proclaimed the adoption of the Universal Declaration for Human Rights, laying out the most fundamental rights all human beings are equally recognized.

Out of all the rights spelled out in the Universal Declaration, it would be hard to name a single right which has not been regularly violated by the Uzbek government. As you know, Uzbekistan's human rights crisis dramatically deepened on May 13, 2005, when Uzbek government forces shot and killed hundreds of civilians, most of them unarmed, in the eastern city of Andijan. Since what has come to be known as the Andijan massacre and the sweeping crackdown on civil society authorities unleashed in its wake, human rights organizations, media outlets, and various UN agencies have been expelled from the country. The United Nations Special Rapporteurs or the International Labour Organization have not been able to enter the country despite repetitive requests. Today, Uzbekistan is one of the world's most repressive regimes. Yet, the country is not closed to all. From international cotton traders to NATO allies seeing strategic interests in Uzbekistan's border with Afghanistan, the Uzbek government has come to believe that it has the necessary bargaining power to continue violating international human rights law without fear of accountability. Uzbekistan's confidence that it need not change in order to get what it needs from the international community only strengthened after the lifting of EU sanctions imposed in the aftermath of the May 2005 Andijan massacre. Tellingly, since the lifting of the sanctions, the situation has dramatically failed to improve.

The case that a quiet diplomacy is the most efficient approach to improve the human rights situation in Uzbekistan has not been demonstrated. Germany's rent of the Uzbek military base of Termez near the Afghan border must not prevent public condemnations of the government's atrocious record on human rights and the undertaking of a proactive human rights plan of action on Uzbekistan. In fact, to not do so would be difficult to reconcile with Germany's aims to promote the strengthening of democracy in Uzbekistan's neighbor to the south, Afghanistan. As the Arab Spring has once again reminded us, dictators who violate the human rights of their peoples are pushed out of power sooner or later.

On this upcoming Human Rights Day, we, representatives of Germany-based not-for-profit organizations, urge you to affirm Germany's commitment to prioritize the promotion and protection of human rights and children rights obligations, in particular with regards to Uzbekistan. The German government should:

- Adopt a pro-active human rights-focused and outspoken diplomacy on and with Uzbekistan in every bilateral or international occasion;
- Urge Uzbekistan to meet, within a timeline that must be adopted by the European Union, the criteria spelled out by the Council of the European Union in its Conclusions on Uzbekistan of October 25, 2010, requesting that Uzbek authorities:
 - o Release all imprisoned human rights defenders and prisoners of conscience;
 - o Allow unimpeded operation of non-governmental organizations in the country;
 - o Cooperate fully with all relevant U.N. Special Rapporteurs;

- Guarantee freedom of speech and the media;
- Proceed with practical implementation of ILO conventions against child labor, and
- Fully align its election processes with international standards.

Specific measures such as policy changes and targeted sanctions must be **considered in the case of the Uzbek authorities' failure to comply** with those criteria within a given timeframe;

The German government should further:

- Urge the International Labour Organization to launch a Commission of Inquiry under Article 26 of the ILO Constitution, in order to monitor next year's cotton harvesting and verify Uzbekistan's effective implementation of the ILO Convention 182 on the Worst Forms of Child Labor;
- Call on the European Commission to launch an investigation into whether **Uzbekistan's inclusion in the Generalized System of Preferences (GSP)** ought to be withdrawn in light of the serious and systematic human rights abuses. Offering trade preferences to Uzbekistan directly contradicts the European Union's commitments to human rights and the GSP rules;
- Demand that Tashkent immediately re-register the Human Rights Watch Tashkent Office, issue visas and work accreditation to its international staff, and allow its unimpeded activities. The Uzbek Supreme Court "liquidated" HRW's registration last June, closing down the last independent international human rights organization in Uzbekistan.

We thank you for your attention.

Sincerely,

Brot für die Welt
Eurasian Transition Group
European Center for Constitutional and Human Rights (ECCHR)
INKOTA-netzwerk
terre des hommes Deutschland
Uzbek-German Forum for Human Rights (UGF)