

ARTICLE 19

Uzbekistan: Protection of freedom of expression online

Country report

1 January 2022

ARTICLE 19 works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination. We do this by working on two interlocking freedoms, which set the foundation for all our work. The Freedom to Speak concerns everyone's right to express and disseminate opinions, ideas and information through any means, as well as to disagree from, and question power-holders. The Freedom to Know concerns the right to demand and receive information by power-holders for transparency, good governance, and sustainable development. When either of these freedoms comes under threat, by the failure of power-holders to adequately protect them, ARTICLE 19 speaks with one voice, through courts of law, through global and regional organisations, and through civil society wherever we are present.

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This report is produced by ARTICLE 19 in the framework of the programme *Defending Digital Rights in Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan* implemented by ARTICLE 19 together with the local partners from these countries in 2021–2022. This is one of the four country reports which are based on the digital rights monitoring conducted locally in each of the target countries.

The programme's overall goal is to promote freedom of expression and the related rights in digital environment in Central Asia by challenging restrictive legislation, policies and practices both domestically and internationally through strengthening ability of civil society organisations working in the field of the media to promote and protect digital rights, increasing the availability of quality digital rights training resources and capacity, encouraging governments and legislative bodies to address laws and policies restricting online freedom of expression through coordinated national and international advocacy.

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Executive summary

In this report, ARTICLE 19 provides an overview of key developments related to the protection of the right to freedom of expression in the context of digital technologies in Uzbekistan – both in legislation and in practice – in late 2020 and 2021 based on available local sources. The report shows that, overall, the protection of freedom of expression remains a cause for concern in the country, with shrinking space for public debate and democracy.

As for the **legislation**, while we note that there have been positive steps to increase access to information during the Covid-19 pandemic, there is still a range of legislation that does not meet international human rights standards as it is vague and overbroad and limits freedom of expression beyond the scope permitted in the international law. In particular:

- Prohibitions of ‘false information’ are included in both the Criminal Code and the Administrative Code and carry heavy sanctions. The assessment of what is ‘false’ is left to the discretionary power of the law enforcement.
- Criminal insult and defamation remain on the books and create a severe chilling effect on freedom of expression. In practice, the Criminal Code provisions are being used to sanction valid criticism and quash opposition, particularly against the President.
- A new article in the Law on Informatisation requires website owners and bloggers to prevent their ‘information resources’ from being used for a wide range of ‘illegal purposes’. They are supposed to verify the accuracy of the information posted on their information resources and remove said information if it is indeed inaccurate. Key terms are not defined in the law and it remains unclear how website owners and bloggers are supposed to assess whether the content is ‘illegal’ or not. The concerned individuals will most likely over-remove content in order to avoid criminal sanctions and, consequently, restrict freedom of expression.

- The National Strategy on Countering Extremism and Terrorism, adopted in 2021, is problematic for several reasons. In particular, concepts of ‘terrorism’ and ‘extremism’ do not have agreed definitions under international law and thus subject to abuse against dissenting voices in the society.
- The 2021 Decree on access to information and transparency within the system of public administration was a positive step towards increased protection of the right of access to information. However, in practice, there are still problems accessing information in the judiciary so the implementation of the stated commitments must be improved.
- The dissemination of religious information is strictly regulated by the Regulation of the Procedure for Production, Import and Distribution of Religious Content Materials in the Republic of Uzbekistan. Since its adoption in 2014, the circulation of religious information is subjected to prior approval by the government. This legislation severely hinders the free flow of information in the country.

The **implementation and protection of freedom of expression online** is equally concerning:

- Many journalists and bloggers reporting on matters of public interest face online and offline attacks, smear campaigns, and judicial persecution. In most of the reported cases, the concerned individuals had criticised the government or covered other controversial issues. Journalists are not sufficiently protected and cannot carry out their vital role of sharing and imparting information.
- The vague and overbroad nature of national legislation has led to a series of confusing practices before the courts. For example, instead of bringing defamation claims when an individual believes that their reputation has been harmed, the legislation on the spread of ‘false information’ has been used instead.

- There are many cases where individuals expressing legitimate criticism with public authorities have been charged and arrested, showing the extremely restrictive approach to ‘insult’ by law enforcement authorities. This includes a case where a group of young men was briefly arrested for posting videos on Telegram where they criticised the effectiveness of law enforcement authorities.
- Access to some social networks has been disrupted during the reporting period. Restrictions imposed on social networks severely hinder access to the internet. Personal data legislation has been used to compel social networks to physically relocate part of their operations to Uzbekistan.

Recommendations

- Article 139 on criminal defamation (slander) and Article 140 on criminal insult should be removed from Uzbekistan’s Criminal Code. Defamation should be completely decriminalised and dealt with in the framework of civil law. In the interim, the respective provisions should never be enforced against freedom of expression online and offline or used to persecute journalists, activists, and opposition voices.
- The Criminal Code and the Code on Administrative Liability, prohibiting ‘false information’, and Article 158, part 3 of the Criminal Code on insult of the President should be abolished.
- Law enforcement must stop abusing criminal offences such as fraud or extortion to silence government critics and suppress anti-corruption reporting. The government should make a greater effort to appreciate the importance of freedom of expression for democracy and the special watchdog role which independent media and individual reporters play in a democratic society. For this purpose, specialised training and awareness programmes for public officials should be developed and implemented, and dialogues involving civil society and media representatives should be organised on a regular basis. The government should create more platforms for inclusive public discussion both online and offline.

- The Law on Informatisation should be revised (possibly following an international legal assessment) to ensure that it complies with the international freedom of expression standards, does not illegitimately and/or disproportionately restrict freedom of expression online, and does not impose excessive restrictions over individual bloggers and internet intermediaries.
- Legislative framework regulating religious speech should be revised to avoid the use of inherently undefinable terms, such as ‘religious extremism’ or ‘fundamentalism’. Dissemination of information on religious matters must not be subject to prior approval from the authorities.
- Requirements that all personal data should be subject to data localisation in the Personal Data Law should be removed.
- Public authorities should strive to secure accessible and quality internet access for all, including rural communities, people in need of socioeconomic support, and other potentially vulnerable groups.
- The right to protest should be safeguarded both online and offline. No one should be penalised for disseminating information about protests, including online posts and social media publications.
- Public authorities should investigate all cases of attacks against journalists, activists, and bloggers without further delay and bring all perpetrators to justice.

Introduction

Uzbekistan's human rights record in general and situation with regard to the protection of freedom of expression in particular has been a subject of criticism for a number of years. Although human rights organisations, including ARTICLE 19, noted a certain improvement of the situation during the last couple of years,¹ the protection of the right to freedom of expression in the country remains of serious concern. A vague and disproportionately restrictive legal framework allows for arbitrary persecution of online speech. Several problematic laws were adopted in late 2020 and early 2021 and have been strictly defining the country's online landscape since.

The pressure on online outlets is reported to have increased since the change of management of the Agency for Information and Mass Communications (AIMK). AIMK has been led by Asadjon Khojaev since 2020. His predecessor, Komil Allamzhonov, is believed to have developed a good working relationship between AIMK and journalists and defended the interests of journalists, bloggers, and online media. Under the new management, AIMK is perceived as attempting to control media activities. For instance, in December 2020, several media outlets – Kun.uz, Repost.uz, Gazeta.uz, Daryo.uz – received official warnings; overall around 90 warnings and 'notifications' were received by traditional and online media in 2020, including 22 received by online outlets.

Uzbekistan's online space is marked by persistent governmental initiatives introducing vaguely formulated and over-restrictive regulations. As one of the results of such state regulation, access to the most popular social networks has been periodically disrupted in the country. Many categories of content qualified as 'illegal' belong to legally permissible or even protected speech and should not be restricted. Critical voices have been persecuted in the courts but also online as a result of harassment and smear campaigns.

Overall, with increasing restrictions and crackdowns on rights online, there is a tight window of opportunity in the countries of Central Asia to ensure that the internet remains

free of illegitimate interference and repression. As such, it must be protected through activism, advocacy initiatives, and legal reform.

With this report, ARTICLE 19, together with its partners in Uzbekistan, aims to contribute to such initiatives. Following a comprehensive training course on freedom of expression and the related rights in the digital environment, partners engaged in regular and disaggregated monitoring of digital rights violations in the country throughout 2021, based on the agreed monitoring and research methodology. The monitoring also covered emerging legislation and regulatory activities (such as new draft laws and amendments to existing laws), cases of impeded or distorted practical realisation of rights online either because of incorrect interpretation of the respective laws or because of technical barriers to implementation, and court cases raising the issues of implementation or violation of rights online. Monitoring findings were assembled quarterly and informed the ongoing advocacy activities.

This report presents the key findings from the monitoring and recommendations on how to ensure better protection of human rights online. It does not aim at covering all possible incidents of violations of freedom of expression and the related rights in the digital space. Instead, it focuses on high-profile cases – those which had justified publicity and/or those that local partners considered to be strategic in terms of their potential influence over the online sector.

This report is intended to support advocacy efforts of ARTICLE 19's local partners at the national, regional, and international levels. It will also inform international assistance programmes to Uzbekistan in the area of freedom of expression and serve as a guideline for the reform of media law and policy in the country.

Applicable international human rights standards

The right to freedom of expression

The right to freedom of expression is protected by Article 19 of the Universal Declaration of Human Rights,² and given legal force through Article 19 of the International Covenant on Civil and Political Rights (ICCPR)³ and in the regional treaties.⁴

The scope of the right to freedom of expression is broad and applies to all forms of electronic and internet-based modes of expression. It requires states to guarantee to all people the freedom to seek, receive, or impart information or ideas of any kind, regardless of frontiers, through any media of a person's choice. Under international human rights standards, the legal framework regulating the mass media should consider the differences between the print and broadcast media and the internet,⁵ as the telecommunications and broadcasting sectors could not simply be transferred to the internet.⁶ States should adopt a tailored approach to address illegal content online and promote self-regulation as an effective tool in redressing harmful speech online.⁷

Under international human rights standards, states may, exceptionally, limit the right to freedom of expression, provided that such limitations conform to the strict requirements of the three-part test. This requires that limitations must be:

- **Provided for by law:** any law or regulation must be formulated with sufficient precision to enable individuals to regulate their conduct accordingly (requirement of *legality*);
- **In pursuit of a legitimate aim:** listed exhaustively as the respect of the rights or reputations of others, or the protection of national security or public order (*ordre public*), or of public health or morals (requirement of *legitimacy*); and
- **Necessary and proportionate in a democratic society:** requiring inter alia that if a less intrusive measure is capable of achieving the same purpose as a more restrictive one, the less restrictive measure must be applied (requirement of *necessity*).⁸

Further, Article 20(2) of the ICCPR provides that any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence must be prohibited by law. The same principles apply to electronic forms of communication or expression disseminated over the internet.⁹

The **right of access to information** is recognised as an element of the right to freedom of expression. The UN Human Rights Committee, a body tasked with interpreting the ICCPR, interpreted the scope and limits of the right to information in 2011, stating that Article 19 of the ICCPR ensures the right to information held by public bodies. It requires that states proactively disseminate information in the public interest and that the access is ‘easy, prompt, effective and practical’.¹⁰ The Committee also stipulated that states must enact “necessary procedures” such as legislation to give effect to the right to information and that fees for access must be limited, responses to requests must be timely, authorities must provide explanations for withholding information, and States need to establish appeals mechanisms.¹¹

The right to privacy

The right to privacy, as enshrined in Article 17 of the ICCPR, includes the right of individuals to respect for their private and family life, home, and communications and the right to the protection of the law against arbitrary or unlawful interference or attacks against them. The right to private life extends to aspects relating to personal identity, such as a person’s name, images, or physical and moral integrity; it is primarily intended to ensure the development, without outside interference, of the personality of each individual in their relations with other human beings.¹²

The right to personal data protection, which may be derived from, and be related to, the right to privacy, regulates the way in which information about individuals, which may be either private or public, is collected, processed, stored, and retained electronically by both public and private bodies. Personal data must be processed lawfully and fairly for specified purposes and on the basis of the informed consent of the person concerned, or

some other legitimate basis laid down by law. Everyone should have the right of access to data held by third parties (data controllers) concerning them, and the right to have it rectified or deleted, subject to legitimate exceptions.

Guaranteeing the right to privacy in online communications is essential to ensure that individuals have the confidence to freely exercise their right to freedom of expression.¹³ The inability to communicate privately substantially affects individuals' freedom of expression rights.

This was recognised in several reports by David Kaye, the former UN Special Rapporteur on Freedom of Expression, in which he expressed concerns over states and private actors monitoring and collecting information about individuals' communications and activities on the internet. These practices can constitute a violation of internet users' right to privacy, and ultimately impede the free flow of information and ideas online.¹⁴ The Special Rapporteur on Freedom of Expression also recommended that states should ensure individuals can express themselves anonymously online and refrain from adopting real-name registration systems.¹⁵ Further, he recommended that states refrain from making the identification of users a precondition for access to digital communications and online services, and from requiring SIM-card registration for mobile users.¹⁶ He also recommended that corporate actors reconsider their own policies that restrict encryption and anonymity (including through the use of pseudonyms).¹⁷

Access to the internet and digital technologies

As the internet has become a vital communications medium that individuals can use to exercise their right to freedom of expression and other human rights, states, in cooperation with the private sector and civil society, should develop strategies which promote sustainable economic growth via competitive market structures in order to stimulate investment into critical internet resources and information and communications technologies, especially in areas with a low communication and information infrastructure.¹⁸

International human rights bodies have expressed their deep concern about blocking/filtering measures.¹⁹ In particular, the four special mandates on freedom of expression in their 2011 Joint Declaration on Freedom of Expression on the internet held that:²⁰

- Mandatory blocking of entire websites, IP addresses, ports, network protocols, or types of uses (such as social networking) is an extreme measure – analogous to banning a newspaper or broadcaster – which can only be justified in accordance with international standards, for example where necessary to protect children against sexual abuse.
- Content filtering systems which are imposed by a government or commercial service provider and which are not end-user controlled are a form of prior censorship and are not justifiable as a restriction on freedom of expression.
- Products designed to facilitate end-user filtering should be required to be accompanied by clear information to end users about how they work and their potential pitfalls in terms of over-inclusive filtering.

At the same time, the Special Rapporteur has recognised that website blocking may be justified in limited circumstances in order to deal with categories of content which are prohibited under international law, namely: child sex abuse images (child pornography); incitement to commit genocide; advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence; and incitement to terrorism.²¹ In the case of child pornography, he opined that this was one of the clear exceptions where website blocking may be justified.

Nonetheless, he made it absolutely clear that blocking measures must always comply with the three-part test under Article 19(3) of the ICCPR.²² In this respect, he laid down some minimum criteria that must be met in order for website blocking and filtering to be justified under international law, namely:²³

- Blocking/filtering provisions should be clearly established by law.
- Any determination on what content should be blocked must be undertaken by a competent judicial authority or body which is independent of any political, commercial, or other unwarranted influences.
- Blocking orders must be strictly limited in scope in line with the requirements of necessity and proportionality under Article 19 (3).
- Lists of blocked websites together with full details regarding the necessity and justification for blocking each individual website should be published.
- An explanation as to why a page has been blocked should also be provided on a page that is substituted in for the affected websites, and HTTP status code 451²⁴ should be served.

These standards have been echoed by regional mechanisms for the protection of human rights, including the Council of Europe,²⁵ the European Court of Human Rights,²⁶ and the Organization of American States Special Rapporteur on Freedom of Expression.²⁷ Importantly, they have confirmed that:

- Search engines and other intermediaries should not be required to monitor their networks proactively in order to detect possible illegal content.²⁸
- It should be possible to challenge blocking and filtering orders before an independent and impartial tribunal and seek clarification and remedies.²⁹ In this regard, the Human Rights Committee has clarified that there should be no generic bans on the operation of sites or systems.³⁰

More generally, international human rights bodies have recommended that filtering should be end-user controlled, and that, at minimum, users should be informed when a filter is active and given as much control as possible over the level of filtering.³¹



Legislative developments concerning freedom of expression online

Prohibitions of slander and insult in criminal and administrative law

In late December 2020, Uzbekistan amended the criminal provisions on slander (Article 139 of the Criminal Code) and insult (Article 140 of the Criminal Code).³² According to these amendments, a penalty of imprisonment was removed from the respective articles of the Criminal Code. At the same time, both crimes (slander and insult) have been retained in the Criminal Code with the sanctions of criminal fines, correctional labour of 360–400 hours, and imprisonment of 1–3 years.

ARTICLE 19 is concerned that Uzbekistan still has not decriminalised slander and insult as these types of provisions have a serious chilling effect on the right to freedom of expression:

- ARTICLE 19 has long argued that slander should be fully decriminalised. Even if the maximum penalties are not imposed, criminalisation can still cast a long shadow: individuals prosecuted under it face the possibility of being arrested by the police, held in pretrial detention, and subjected to a criminal trial. Even if the court imposes only a minor fine, they may be saddled with a criminal record and face the social stigma associated with this. Instead, we argue that protection of reputation can effectively be accomplished through the civil law.³³
- Provisions penalising ‘insult’ are even more problematic. Prohibitions of ‘insult’ aim at protecting feelings rather than reputations. Since feelings do not lend themselves to definition but are, rather, subjective emotions, such prohibitions under criminal law can be interpreted flexibly to suit the authorities’ needs, including in order to prevent criticism. Moreover, the subjective nature of what constitutes an insult means that a charge of this sort is very difficult to defend against.³⁴

Additionally, following aforementioned amendments to the general provisions on slander and insult, on 30 March 2021, new provisions were introduced to the Criminal Code prohibiting ‘insult and slander of the President of Uzbekistan online’ (Article 158, part 3 of the Criminal Code).³⁵ The amendments merely expand already existing prohibitions that prohibit ‘denigration’ of the President in printed or other mass media to include telecommunications networks and the internet as means of dissemination of such information.

These changes were introduced several months before the Presidential elections, which took place on 24 October 2021. It has been reported that the amendments certainly produced a chilling effect over electoral public discourse.³⁶ The new provisions have been already used against the user of social media for critical posts against the President on Facebook and YouTube (see later for more details).

ARTICLE 19 finds these provisions extremely problematic. We reiterate that international human rights courts have consistently held that public officials, especially heads of states, should tolerate *more*, not less, criticism than ordinary citizens due to their position.³⁷ There should be no laws that grant special protection for heads of state or other public functionaries.³⁸ We have repeatedly raised concerns about these types of provisions in Central Asia and warned that these types of prohibitions encourage self-censorship amongst the media and individual citizens.³⁹

Prohibitions of ‘false information’ in the criminal and administrative law

In December 2020, Uzbekistan also introduced new provisions to both the Criminal Code and the Code on Administrative Liability prohibiting dissemination of ‘false information’.⁴⁰

The ‘false information’ provisions in both the Criminal Code and the Administrative Code are very similar. In their first part, both articles sanction dissemination of ‘false’ information which ‘humiliates human dignity’ and ‘discredits a person’. The second part of both provisions bans dissemination of ‘false’ information ‘threatening public order and security’. Criminal sanctions shall be applied in case of repeated violations, e.g. after an

administrative sanction was applied for the first offence. Both criminal and administrative articles apply to the information disseminated in media and on the internet. The maximum possible criminal punishment for spreading 'false' information is 3 years of limitation of liberty. Maximum administrative fine is 100 'basic units' (1 basic unit is UZS 300,000 or USD 27).

ARTICLE 19 is concerned about the introduction of these provisions for a number of reasons:

- First, we note that the term 'false information' and similar concepts (such as 'disinformation' or 'fake news') is extremely vague. Protecting persons from 'false information' is not, as such, a legitimate aim for justifying restrictions on the right to freedom of expression under Article 19 para 3 of the ICCPR. As four special mandates on freedom of expression cautioned in their 2017 Joint Declaration, these prohibitions are increasingly being used by persons in positions of power to denigrate and intimidate the media and independent voices, increasing the risk of such persons to threats of violence, and undermining public trust in the media.⁴¹ An important point of principle remains that 'the human right to impart information is not limited to "correct statements", [and] that the right also protects information and ideas that may shock, offend or disturb'. The four special mandates made clear that 'general prohibitions on the dissemination of information based on vague and ambiguous ideas, including "fake news" or "non-objective information", are incompatible with international standards for restrictions on freedom of expression'.⁴²
- Second, the new provisions of the Criminal and Administrative Codes are confusing. They partly, in their first parts, de facto refer to the protection of reputation (e.g. about the dissemination of untrue statements about a person which are 'discrediting' or 'humiliating' to them). It is not clear how these provisions will 'coexist' in practice with the criminal and civil law provisions on slander. This 'multiplication' of very similar provisions in criminal, administrative, and civil law is likely to create confusion in terms of their application, including by the courts. The first parts of the administrative and

criminal articles on ‘false’ information seem to be redundant from the point of view of legal clarity and the quality of legislation. They will likely lead to the emergence of unpredictable and inconsistent court practices.

New obligations of website owners and bloggers in the Law on Informatisation

On 30 March 2021, Uzbekistan amended the Law on Informatisation⁴³ and tightened the requirements for website owners and bloggers with regard to dissemination of information on the internet.

The amendment introduces a concept of ‘information resource’ which is defined as any publicly accessible resource on the internet, possibly including social networks, instant messengers, and other similar resources. In case of non-compliance with the requirements of the law, online access to the infringing information resource could be restricted.⁴⁴

The new Article 12-1 (Dissemination of publicly accessible information on the World Wide Web) requires owners of websites or other information resources, including individual bloggers,⁴⁵ to prevent the use of their website and/or a page of a website or other online information resource for a wide range of allegedly illegal purposes. ‘Illegal purposes’ include calling for mass disorder; violence against citizens; and participation in assemblies, rallies, street marches, and demonstrations held in violation of the established order, as well as coordination of these illegal actions; disseminating knowingly false information containing a threat to public order or safety; propaganda for war, violence, and terrorism, as well as ideas of religious extremism, separatism, and fundamentalism; or dissemination of information, including information expressed in an indecent manner, which demonstrates disrespect for society, the state, and state symbols. They are also obliged to proactively monitor their online resource, including instant messaging systems, in order to identify and remove information deemed to be illegal (illegal as mentioned earlier).

Apart from the administrative and criminal liability introduced for spreading 'false information' (see earlier), the Law on Informatisation obliges website or web page owner(s) and/or blogger(s) to: (a) verify the accuracy of information before posting it on their information resources; and (b) immediately remove posted information if it is found to be inaccurate.

ARTICLE 19 points out that there several problems with these provisions. In particular:

- First, what is considered 'illegal purpose' is not clearly defined and is overly ambiguous. There is no guidance as to what is considered 'religious extremism', 'fundamentalism', or 'false information' and other concepts. In practice, this can have a chilling effect on the free exercise of expression, as individuals and others will tend to err on the side of self-censorship to avoid criminal sanctions, or even close platforms for communication in order to avoid liability.
- Second, we recall that grounds for legitimately restricting the right to freedom of expression are explicitly enumerated in Article 19 para 3 of the ICCPR. 'False information' or 'fundamentalism' are not listed among legitimate aims based on which states can restrict freedom of expression.
- Third, it is not clear how an individual will be able to assess illegality of content. In principle, such determinations should be made by courts while ordinary internet users might not have the capacity and the ability to make decisions on possibly complex legal matters. They will probably have to err on the side of caution and delete all the potentially infringing comments, most of them possibly protected speech. Further asking individuals to make such decisions can force individuals to choose between two unpalatable options: either to take it upon themselves to police potentially hundreds of thousands of content or not to have a website, blog, or social media account altogether. The former would impose an unacceptable burden, whereas the latter would have a devastating effect on the free and open exchange of ideas.

- Fourth, the provisions appear to mandate that website owners, bloggers, and owners of web pages (who could also be just regular social network users) proactively monitor all content on their ‘information resources’. This could include, for instance, comments that other users leave on their social media or comments under articles on media websites. Hence, these provisions might de facto impose general monitoring of content. ARTICLE 19 consistently advises against the imposition of a general monitoring requirement as an excessive and disproportionate burden imposed on internet intermediaries.⁴⁶

According to available information, there have been at least five court cases already initiated under these provisions (see later for more information about some of these cases).

Expansion of the transparency obligations and access to information

In June 2021, the President signed the Decree on Additional Measures to Ensure Transparency of State Bodies and Organisations and Effective Implementation of Public Oversight (the decree was recently amended in June 2022).⁴⁷ With the decree, the President approved the ‘List of Socially Significant Information’ to be posted on the Open Data portal and websites as open data by all state authorities and administration, including the Accounts Chamber, the Central Bank, courts and prosecutors, as well as organisations with public participation.

ARTICLE 19 notes that although the government Open Data portal had already been created in spring 2014, it took years of persistent work of the international and local organisations to enable a certain level of openness of government agencies. The adopted decree develops this issue further by specifying which sets of data collected and stored by public authorities are subject to proactive disclosure on the Open Data portal (data.gov.uz). The document provides for more transparency in sectors such as education (online broadcasting of examinations at the higher education institutions) and, as of 1 December 2021, for broadcasting of sessions of the chambers of Oliy Majlis, Jokorgu

Kenesh of the Republic of Karakalpakstan, and regional, district, and city councils (excluding closed sessions). It also lists the types of information which should be published on the parliament's official website.

ARTICLE 19 welcomes all steps taken by the Uzbekistani authorities to improve the public's access to information and to facilitate transparency and accountability of public administration. Openness of the government is essential for building public trust in democratic institutions.

The National Strategy on Countering Extremism and Terrorism

In July 2021, Uzbekistan adopted the National Strategy on Countering Extremism and Terrorism.⁴⁸ The declared purpose of the strategy is to ensure effective and coordinated state policy on countering extremism and terrorism allowing the protection of the constitutional order of the republic and national security while safeguarding rights and freedoms of Uzbekistan's citizens.

In this respect, ARTICLE 19 notes that prohibitions of 'extremism' and 'terrorism' have been the subject of concerns in the region for several reasons:

- First, there is no agreed definition of 'extremism' under international law and the term is often used interchangeably with 'terrorism' which, equally, is not defined.⁴⁹
- Second, speech restrictions aimed at countering 'extremism' are prima facie illegal under international law due to the inherent vagueness and overreach of this concept. The Human Rights Committee has criticised its use in national legislation to restrict expression because it is 'too vague to protect individuals and associations against arbitrariness in its application'.⁵⁰ The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has described it as 'critical and prima facie nonhuman rights compliant practice' and expressed 'serious concerns that the term lends itself to illegitimate judgments about what extremism is'.⁵¹ She further described the category of extremist crimes as

‘particularly vague and problematic’, ‘broad and overly vague’, capable of ‘encroach[ing] on human rights in profound and far-reaching ways’ and, ultimately, ‘per se incompatible with the exercise of certain fundamental human rights’.⁵²

- Third, in our experience, disparate categories of speech prohibited under the rubric of ‘extremism’ do not have a discernible unifying characteristic other than being artificially united by the lawmakers under that label.

For these reasons, ARTICLE 19 opposes the use of ‘extremism’ as a legal concept, especially as a basis for rights restriction. Hence, although the state has a duty to protect its people from terrorist threats, any measure to counter terrorism must uphold human rights. We believe that Uzbekistan must ensure that its underlying legislation on terrorism and ‘extremism’ fully complies with international human rights and freedom of expression standards and is not misused against human rights activists, journalists, protesters, or others for their exercise of human rights.

Digital Uzbekistan 2030

Uzbekistan adopted Digital Uzbekistan 2030 in 2020⁵³ which included a digital infrastructure roadmap and a plan for the gradual development and implementation of digitalisation projects in the field of digital economy, infrastructure, e-government, and digital education. It plans to ‘connect every settlement in the country to the internet with a data transfer speed of at least 10 Mbit/s’ by the end of 2022. All popular tourist destinations were expected to have high-speed internet access by 1 January 2022.

The government also adopted a decree requiring telecommunication network operators and providers to connect administrative buildings and multistorey buildings to fibre-optic networks with the speed of at least 1 Gbit/s and educational institutions, medical institutions, and other public institutions with a bandwidth of at least 100 Mbit/s.⁵⁴

The adoption of this strategic document seemed to be a positive step for a country given the digital penetration. It is, however, important that the internet is accessible not only in



popular tourist places but also for the rural communities, minorities, and other potentially vulnerable groups.

Restrictions on freedom of expression and other human rights online in Uzbekistan

Dissemination of 'religious information'

In Uzbekistan, dissemination of nearly any 'religious information' is strictly regulated. In accordance with the Regulation of the Procedure for Production, Import and Distribution of Religious Content Materials in the Republic of Uzbekistan, approved by the government on 20 January 2014,⁵⁵ the production, import, and distribution of religious content materials are permitted only following an obligatory examination by a state expert on religious issues. Religious content materials include books, brochures, magazines, newspapers, leaflets and other printed publications, audiovisual works (television, film, and video films, clips, recordings of concert programmes, cartoons, anime, hentai, and others), and electronic media (diskettes, CD, DVDs, materials posted on the internet, and others) reflecting on the foundations, history, ideology, teachings, commentary, and practices of the rites of various world religions.

This extremely problematic regulation is subject to frequent abuse. For instance:

- On 22 June 2021, manager of Kun.uz media was fined for posting religious content on the website without the necessary official approval.⁵⁶ A number of materials discovered on the Kun.uz website during monitoring were sent by the Ministry of Interior Affairs to the Committee on Religious Affairs under the Cabinet of Ministers of Uzbekistan for review. These 'religion-related materials' published without obligatory official vetting include posts such as: 'One fasts according to the time of the place where one lives. Questions and answers concerning Ramazan'; an interview with Yahya Abdulmajid, Vicar Imam (from 17 April 2021); Charity campaign 'Assist in the construction of the largest mosque in Uzbekistan "Islamabad"' (from 16 April 2021); 'Muslim greetings on the occasion of the beginning of Ramazan on behalf of the editorial board' (from 12 April 2021); 'New Zealand police unveiled hijab uniforms' (from 18 November 2020); or 'Dowry is a woman's right. What is its size and how to give it?' (from 18 April 2021). The

official state expertise concluded that these materials ‘do not call for an unconstitutional change of the state system, seizure of power, creation of an Islamic state and do not spread extremism, separatism and fanaticism, slanderous and destabilizing fabrications’. The official expertise did not reveal any propaganda of national, racial, ethnic, or religious hatred in the published materials either. Nevertheless, the online media management was fined UZS 12.2 million (USD 1,088) and website activities were suspended for a short period of time as an expression of protest against the court decision by the editorial team.⁵⁷

- In another case, on 21 August 2021, Uzbeks started getting warnings of a lengthy jail term for keeping ‘religiously extremist’ materials on their phones. Citizens reported receiving SMS from the authorities with the following text: ‘Terrorist Abdullah Zufar’s speeches have been banned by the court and their possession and distribution could lead to a prison term of five to eight years.’⁵⁸

Apart of the problematic interpretation of key terms (such as ‘extremism’, ‘religious extremism’, or ‘fundamentalism’, as discussed earlier) and the fact that the need to seek approval for any dissemination of ‘religious information’ amounts to prior censorship, these cases also show that when interpreting these provisions, authorities and courts rely on linguistic expertise in ‘extremism’ or ‘fundamentalism’ cases. In addition to our criticism of underlying legal provisions, ARTICLE 19 has long pointed out that overreliance on linguistic experts is unacceptable since a specialised expertise cannot substitute a proper judicial analysis which is supposed to assess the legality of speech in question. Such total and totally misplaced reliance on linguistic expertise shifts de facto responsibility from the courts and law enforcement authorities to forensic experts who by definition are unqualified and unauthorised to make determinations on points of law.

‘False information’

The monitoring showed that the law enforcement authorities swiftly moved to enforce new prohibitions of ‘false information’ which were introduced in December 2021.

In April 2021, Said Yanyshv, journalist and administrator of Facebook group SOS – Uzbekistan, was pursued for publishing a Facebook post⁵⁹ about meeting the residents of Khamid Suleymanov mahalla (neighbourhood). The reason for the meeting was the alleged threat of destruction of a local school No. 160 as a result of construction of a residential complex nearby. The journalist apparently suggested that the school director received a bribe for agreeing to this construction. A detailed article about the construction of this residential complex, also authored by Yanyshv, appeared in online media Fergana in February.⁶⁰ The case, according to the journalist, was initiated by the director of local school No. 160 and the developer, Tako Sales LLC. Yanyshv was accused of spreading ‘false information’ (under the Code of Administrative Liability). Based on the decision, Yanyshv was ordered to make a public apology and to pay a fine.

This case demonstrates the confusing nature of prohibition of ‘false information’ under the administrative law. In situations like this, when an individual believes that their reputation was harmed by false statement of facts, they would normally pursue a defamation claim through civil courts. It appears that the authorities and judiciary are not aware of distinctions between protection of reputation (that is a legitimate aim for restricting freedom of speech) and ‘false information’ and they rely on administrative sanctions in defamation cases.

Criticism of public officials

As highlighted earlier, Uzbekistan provides a heightened protection in the criminal law to the reputation of the President. These provisions also apply to online content. The respective provisions were amended in March 2021 and the first case under these provisions was initiated one month later, in April 2021.

In this case, a 52-year-old man, V.K., published content on Facebook and YouTube allegedly insulting the President, ‘misinterpreting’ his reforms, and otherwise ‘humiliating the head of state’. At the moment of publication of the official notice about opening the

case, the impugned content was already unavailable online.⁶¹ The investigation into the case is reportedly ongoing.⁶²

The police also pursue cases of online ‘insult’ of law enforcement authorities. In June 2021, a group of young men was briefly arrested for posting online a video in Samarkand where they talked in negative terms about the effectiveness of law enforcement authorities.⁶³ The video was published in Telegram feeds. In the video, one of the young men points out that despite enrolment of many law enforcement officers, hooligans are running the streets. The video sparked negative comments from online users. The alleged violators were arrested and held by the court order for between 4.5 and 7 days.⁶⁴

These prosecutions for legitimate criticism of authorities show that the law enforcement authorities take an extremely restrictive approach to any criticism of public authorities. The level of tolerance towards public criticism of those in power is low and law enforcement and the judiciary seem to be profoundly dependent on the ‘guidance’ received from the executive branch of power.

Blocking and filtering

Blocked sites included numerous political sites and a wide range of sites with human rights contents from both the local and regional list. In general, online publications tackling political issues deemed subversive or sensitive to the government were heavily filtered. These websites are hosted outside of Uzbekistan (www.fergana.ru) because the ones based in the country have been already forced to shut down (www.uznews.net).

Additional websites regularly blocked inside Uzbekistan also include opposition parties forced to work from exile, such as Erk (www.uzbekistanerk.org) and Birlik (www.birlik.net).

Access to information

Local experts noticed a certain improvement in access to information for journalists and the public during pandemic-related quarantine. This was the result of the government’s order to its agencies to ensure effective communication with the population during the

health crisis. To this end, the press services of state bodies and organisations received additional funding and were able to hire necessary staff or outsource work. However, the press services continue to experience a shortage of qualified staff and there were cases of information restrictions, particularly online.

For example, journalists' access to courts was still obstructed in 2021 and quarantine measures were cited as a main reason for this situation. Media could not enter court buildings to attend and report on various proceedings. Trials were not broadcast online. In 2018, a new version of the official website of the Supreme Court of Uzbekistan (www.sud.uz, www.oliysud.uz, and www.supcourt.uz) was introduced and more opportunities to follow trial proceedings remotely were promised. However, so far there is no trial broadcasting accessible to the public. There are online trials taking place but these are only accessible to those taking part in the proceedings.

Right to privacy online

Until recently, Uzbekistan did not have a stand-alone personal data protection law. The situation changed with the adoption of the Personal Data Law in 2019.⁶⁵ The law was amended at the end of 2020 (amendments signed into law in January 2021) and entered into force on 16 April 2021.⁶⁶

Under new provisions (Article 27-1 of the Law), when processing personal data of Uzbekistani citizens via the use of information technology, including on the internet, the owner and/or operator of such data must ensure it is collected, systematised, and stored in databases physically located in Uzbekistan and registered with the State Register of Personal Data Databases. This means that if social networks and internet companies want to operate legally in Uzbekistan, they must install some of their data-storing equipment in the country; otherwise, social networks could face administrative or criminal liability and have access to their online resources restricted.

These new provisions are problematic from a freedom of expression and privacy standpoint. Such 'data localisation' requirements have been used in a number of

jurisdictions as a pretence to limit access to social media platforms. Forced data localisation makes it easier for authorities to access the private communications of dissidents and others. The provision also violates the principle of non-discrimination by referring to the personal data of people in Uzbekistan.

Data localisation has been criticised by human rights bodies. For instance:

- The UN Special Rapporteur for freedom of expression and opinion, in his 2016 report, recommended: 'It will be particularly critical for States to avoid adopting legal rules that implicate digital actors – including, but not limited to, data localisation standards, intermediary liability and internet security – that undermine the freedom of expression.'⁶⁷
- From a comparative perspective, the UN Special Rapporteur for Freedom of Expression and Information of the Organization of American States has noted the problems with localisation:

'The forced localisation of data may be a mechanism for the restriction of freedom of expression for various reasons. First, the forced localisation of internet intermediaries substantially reduces the supply of services and platforms that users can freely access. It is important to note that the freedom to choose which services and platforms to access is a prerogative of users in the exercise of their freedom of expression and cannot be restricted by governments without violating the unique nature of the internet as a free, open, and decentralised medium. This opportunity to choose is essential in many States in which individuals are subjected to arbitrary interference in their privacy by the States. In such cases, the opportunity to choose the uninhibited exercise of freedom of expression. In other words, the absence of adequate local laws or public policies for the protection of data could cause greater insecurity in the access to data if they are located

in a specific country, as opposed to being stored in multiple locations or in places that offer better safeguards.

... In addition, requiring Internet Service Providers to store data locally can create a barrier to entry into the market for new platforms and services. This would negatively affect the freedom of expression of users, who will see their access to resources for research, education, and communication reduced. Indeed, meeting the requirement of data localisation is complex and costly, and harms individual users or new initiatives by potentially depriving them of the conditions of interoperability necessary to connect globally. Freedom of expression and democracy assume the free flow of information and require the prevention of measures that create fragmentation in the internet.⁶⁸

Subsequently, in order to implement new provisions, in June 2021, Facebook, TikTok, Telegram, and other companies were requested to physically move their servers containing personal data of Uzbekistani citizens to Uzbekistan.⁶⁹ The respective written requests were sent to Meta (Facebook, Facebook Messenger, Instagram, WhatsApp), Google (Google Messenger, YouTube), Mail.ru (VKontakte, Odnoklassniki), Microsoft Skype, Telegram, Tencent Wechat, TikTok, Twitter, and Yandex (Yandex.taxi, Yandex.cards, Yandex.messenger, Yandex.money). Probably as a result of non-compliance with this request, access to certain social networks, like TikTok or Telegram, was disrupted and/or slowed down in Uzbekistan in July and August 2021.⁷⁰ Telegram is reported to work only via virtual private networks.⁷¹ No official information was provided with regard to how exactly access had been slowed down and which particular social networks had been targeted.

There were several privacy-related violations reported from Uzbekistan in 2021. The cases related either to inadequate protection of data by the public authorities (e.g. registration of mobile phone numbers without consent⁷²) or to its reckless disclosure in violation of the

data protection legislation (for instance, publicising personal information about the results of Covid-19 PCR tests).⁷³

Safety of journalists and activists online

The monitoring revealed numerous instances of attacks against journalists and/or online activists in Uzbekistan ranging from physical attacks to attempts to intimidate and harass female journalists.

As for physical attacks against those who exercise their right to freedom of expression online, the following incidents are particularly concerning:

- In the late evening of 28 March 2021, blogger Miraziz Bazarov, known for his controversial and critical statements, was severely beaten in Tashkent by unknown attackers and sustained serious injuries.⁷⁴ Earlier in the day, Bazarov called for an assembly in Amir Temur Square of the fans of anime (Japanese animation) and K-pop (Korean pop music). At the same time, a protest against lesbian, gay, bisexual, transgender, or questioning (LGBTQ) activists was held there. Several dozen men marched along the roadway shouting 'Allah Akbar!'. The police department said 12 people were detained. Video footage of a boy and a girl allegedly beaten up by the crowd (most probably because they were mistaken for LGBTQ community members) circulated on the internet.
- On 15 September 2021, Kokand blogger Iqbol Komiljonov, known for his critical articles, died in the hospital under questionable circumstances.⁷⁵ The blogger was taken to the hospital on 7 September 2021 with the symptoms of suspected food poisoning but was later said to have died because of long-term consequences of Covid-19 which aggravated his chronic health issues. Komiljonov was one of the main authors of the

Facebook group 'Kokanjonim' covering social issues in Kokand. He harshly criticised problems in the housing and utilities systems, healthcare, and public education.

Apart from physical attacks, journalists and bloggers are often prosecuted or otherwise intimidated by law enforcement authorities, public officials, and private actors. For instance:

- On 1 April 2021, the Uzbek Ministry of Interior accused foreign journalist Agnieszka Pikulicka of a 'biased coverage' of events surrounding an attack on a blogger Miraziz Bazarov (see earlier). The respective statement was issued by the Ministry of Interior on this matter.⁷⁶ The journalist risked facing a fine and a loss of accreditation. On 2 April, Pikulicka called the accusations of the Ministry of Interior 'an attempt to discredit her as a journalist' and demanded an apology. Instead, on 4 June 2021, the Foreign Ministry of Uzbekistan decided not to renew her accreditation.⁷⁷
- On 22 April 2021, blogger Miraziz Bazarov, was charged with the crime of criminal insult and slander,⁷⁸ right after he had been released from a hospital where he had been receiving treatment following a brutal attack on him. On 29 April, Bazarov was placed under house arrest and not allowed to communicate freely. The case originated from a collective complaint from the teachers at a local school No. 110 in the Mirabad district who claimed that Bazarov defamed them in his online videos. In his videos, Bazarov allegedly 'criticised the professional and personal qualities, insulted citizens, accused them of collaboration with the terrorist organizations' and 'by making slanderous statements and ridiculing national traditions offended the dignity of women and spread ethnic hatred'. On 21 January 2022, Bazarov was sentenced to 3 years of limitation of liberty. The court also banned him from using the internet.⁷⁹
- On 10 May 2021, anti-corruption blogger Otabek Sattori was sentenced to 6.5 years in prison on charges of extortion and slander,⁸⁰ allegedly the longest prison sentence ever given to a blogger in Uzbekistan. Sattori was allegedly prosecuted for his anti-corruption stance and reporting under the bogus charges of extortion/blackmailing and

defamation. Sattori led a blog 'Khalk fikri' ('People's opinion') on Telegram and YouTube. Investigators alleged that he was blackmailing the people he was investigating.

Journalists and bloggers in Uzbekistan are also targeted by online harassment and smear campaigns, often with impunity and with no protection from authorities. For instance:

- In May 2021, Abror Mukhtor Alii, a religious leader from the Centre for Civilisation of Islam with over 500,000 subscribers on social media, launched a campaign of harassment and bullying against several bloggers and journalists.⁸¹ Among them there were Alt Kakhkhorov, Salim Said, and especially Zafarbek Solijonov. Abror Mukhtor Alii's posts against Solijonov are reported to include hatred, intolerance, and threats against the blogger, his professional activities, personal life, and his relatives. This harassment escalated after the bloggers began openly criticising Alii's speeches where he had said that it would be acceptable to use force against women in order to educate them.
- In September 2021, an audio recording was publicised on social media in which the head of the Rishtan District Medical Association threatened and insulted journalists and bloggers.⁸² The Ministry of Health reacted with an internal investigation and condemnation of the interference into professional journalistic activities.⁸³
- On 7 August 2021, a video of a sexual act between an unidentified couple on the balcony of an apartment building in the city of Almazar was posted on Instagram, Telegram, and TikTok. The video was accompanied by a text claiming that a woman in the video was QALAMPIR.UZ journalist Feruza Najmiddinova. Some edited photos of Najmiddinova at a workplace were added to the post. QALAMPIR.UZ media issued a statement that the video and the post in question had been fabricated. The online outlet claims that this smear campaign is a result of Najmiddinova's video report featuring violations of the quarantine measures imposed on restaurants and cafes by certain 'privileged' businesses which continued their operations and ignored the restrictions.⁸⁴

- Anonymous Telegram channel https://t.me/snayper_bloger is active in Uzbekistan and has been continuously targeting journalists and bloggers with abusive, denigrating, and hateful content. In August 2021, it attacked Nikita Makarenko, Darina Solod,⁸⁵ and Barnogul Sanokulova⁸⁶ comparing them to criminals, accusing them of bribery, secret love affairs, etc. Some in the media community believe that this Telegram channel is somehow connected to the Ministry of Interior Affairs and aimed at suppressing online activism and critical reporting.

ARTICLE 19 and its local partners have been following these cases and consider that a more active response of the authorities is required to ensure that journalists' safety improves. There is also a need for a comprehensive response within the system of public administration to sensitise public officials to the nature and importance of the special role which media and journalists play in a functional democracy. Media and journalists should not be attacked and/or persecuted for doing their job and serving the public by providing information and critical reporting on sociopolitical affairs.

ARTICLE 19's recommendations

In order to address the violations of the right to freedom of expression online, ARTICLE 19 would like to make the following recommendations to the Uzbekistan Government and other relevant stakeholders:

- Article 139 on criminal defamation (slander) and Article 140 on criminal insult should be removed from Uzbekistan's Criminal Code. Defamation should be completely decriminalised and dealt with in the framework of civil law. In the interim, the respective provisions should never be enforced against freedom of expression online and offline or used to persecute journalists, activists, and opposition voices.
- The Criminal Code and the Code on Administrative Liability, prohibiting 'false information', and Article 158, part 3 of the Criminal Code on insult of the President should be abolished.
- Law enforcement must stop abusing criminal offences such as fraud or extortion to silence government critics and suppress anti-corruption reporting. The government should make a greater effort to appreciate the importance of freedom of expression for democracy and the special watchdog role which independent media and individual reporters play in a democratic society. For this purpose, specialised training and awareness programmes for public officials should be developed and implemented, and dialogues involving civil society and media representatives should be organised on a regular basis. The government should create more platforms for inclusive public discussion both online and offline.
- The Law on Informatisation should be revised (possibly following an international legal assessment) to ensure that it complies with the international freedom of expression standards, does not illegitimately and/or disproportionately restrict freedom of expression online, and does not impose excessive restrictions over individual bloggers and internet intermediaries.

- Legislative framework regulating religious speech should be revised to avoid the use of inherently undefinable terms, such as 'religious extremism' or 'fundamentalism'. Dissemination of information on religious matters must not be subject to prior approval from the authorities.
- Requirements that all personal data should be subject to data localisation in the Personal Data Law should be removed.
- Public authorities should strive to secure accessible and quality internet access for all, including rural communities, people in need of socioeconomic support, and other potentially vulnerable groups.
- The right to protest should be safeguarded both online and offline. No one should be penalised for disseminating information about protests, including online posts and social media publications.
- Public authorities should investigate all cases of attacks against journalists, activists, and bloggers without further delay and bring all perpetrators to justice.

Appendix: Monitoring framework

The research for this report was structured to monitor the following issues.

Freedom of expression online

This category included subtopics such as online hate speech, disinformation, online 'extremist' speech, regulation of social media platforms and intermediaries, online defamation, access to information on the internet, and media/journalistic activities online. Local partners were asked to report on the following developments (non-exhaustive list):

- Instances where hate speech, disinformation, or extremism legislation was used to prosecute journalists, activists, or ordinary citizens for posting something online and how these laws were applied to the online environment;
- Instances where media were prosecuted for their online reporting;
- Defamation cases initiated for online statements;
- Legislative proposals to regulate social media/impose content moderation requirements; and
- Instances where online access to publicly important information was seriously impeded.

Right to privacy online

This category included subtopics such as online data protection, online surveillance, intrusive technologies like facial or emotional recognition, right to be forgotten, online anonymity and encryption. Local partners were asked to report on the following developments (non-exhaustive list):

- Requests to remove or delist online information which allegedly infringes upon someone's reputation or privacy rights;

- Legislative proposals to introduce the ‘right to be forgotten’;
- Introduction of facial or emotional recognition technologies (either via new regulatory acts or in practice) and application of these technologies in a way that is targeting individuals for their exercise of the right to freedom of expression (e.g. prosecution of protesters based on footage obtained via these technologies); and
- Legislative initiatives aimed at impeding or scrapping encryption and anonymity online and/or enabling simplified access of the law enforcement authorities to personal/private data online.

Internet infrastructure

This covered subtopics such as access to the internet, online shutdowns and blocking, net neutrality, regulation of Internet Service Providers (ISP), and commercial and business impediments to online freedom. Local partners were asked to report on the following developments (non-exhaustive list):

- High-profile cases of internet shutdowns or blocking (e.g. if supposedly politically motivated, related to important political processes like elections, protests, etc.)
- Systemic attempts to impede access to the internet or block certain content. Local monitors were asked to specify whether such instances were the result of the respective court decisions, administrative orders or had no known legal basis whatsoever.
- Legislative initiatives to regulate ISPs, including imposing harsher sanctions on them for not complying with the blocking orders, and/or attempts to introduce broader legal grounds for blocking access to the internet or to specific content online.
- Attempts to monopolise internet infrastructure by state or private actors.

Democratic participation online

This covered subtopics such as the right of assembly and right to protest online, regulation of online election-related expression, and political advertising and campaigning on the internet. Local partners were asked to report on the following developments (non-exhaustive list):

- Legislative proposals potentially restricting the right of assembly online;
- Prosecution of activists/citizens for participation in online protests/campaigns;
- Blocking access to online campaigns/protests websites;
- Regulatory proposals on online political advertising and/or campaigning; and
- Legislative proposals or social media companies' own initiatives aimed at restricting election-related information on social networks.

Safety of journalists and activists online

This covered subtopics such as cases of online harassment, bullying, or online smear campaigns with a special focus on the experiences of female journalists and activists). Local partners were asked to report on the following developments (non-exhaustive list):

- High-profile or systemic instances of online harassment, bullying, or smear campaigns against journalists, activists, and lawyers, especially if they are targeted for their critical views, political positions or activism, or because they are women. Where possible, local monitors were asked to verify whether any action was taken in such cases by law enforcement or the courts.
- Instances of government or state-sponsored hacking of online accounts of journalists, activists, or media, especially if allegedly related to their critical reporting, journalistic investigations, or election coverage, etc.

Endnotes

¹ For instance, Uzbekistan improved its ranking in ARTICLE 19's *Global Expression Report* for 2021 and moved from 157th to 133rd place on the Press Freedom Index (data for 2021 and 2022, respectively). See ARTICLE 19, *Global Expression Report*, 2022, p.41; and Reporters without Borders (RSF), [Press Freedom Index: Uzbekistan](#).

² Through its adoption in a resolution of the UN General Assembly, the Universal Declaration of Human Rights is not strictly binding on states. However, many of its provisions are regarded as having acquired legal force as customary international law since its adoption in 1948; see *Filartiga v. Pena-Irala*, 630 F. 2d 876 (1980) (US Circuit Court of Appeals, 2nd circuit).

³ International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, UN Treaty Series, vol. 999, p.171. Uzbekistan ratified the ICCPR on 28 September 1995.

⁴ Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 September 1950; Article 9 of the African Charter on Human and Peoples' Rights (Banjul Charter), 27 June 1981; Article 13 of the American Convention on Human Rights, 22 November 1969.

⁵ Human Rights Committee, [General Comment No. 34 on Article 19: Freedoms of opinion and expression](#), CCPR/C/GC/34, 12 September 2011, paras 12, 17, and 39.

⁶ The 2011 [Joint Declaration on Freedom of Expression and the Internet](#), adopted by the UN Special Rapporteur on freedom of opinion and expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on freedom of the media, the Organization of American States (OAS) Special Rapporteur on freedom of expression, and the African Commission on Human and Peoples' Rights Special Rapporteur on freedom of expression and access to information, June 2011.

⁷ 2011 Joint Declaration. See also the Report of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression to the General Assembly, [A/66/290](#), 10 August 2011, para 16.

⁸ Human Rights Committee, *Belichkin v. Belarus*, Comm. No. 1022/2001, UN Doc. CCPR/C/85/D/1022/2001, 2005.

⁹ General Comment No. 34, para 43.

¹⁰ General Comment No. 34, para 18.

¹¹ General Comment No. 34, para 19. The same language is repeated in regional human rights conventions, most notably Article 13 of the American Convention, Article 9 of the African Charter, Article 10 of the European Convention, and Article 23 of the Association of Southeast Asian Nations Human Rights Declaration.

¹² This provision should not be used to prevent states providing full protection of rights as provided for by Article 18 of the ICCPR.

¹³ See Article 17 of the ICCPR. The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has argued that, like restrictions on the right to freedom of expression under Article 19, restrictions of the right to privacy under Article 17 of the ICCPR should be interpreted as subject to the three-part test; see the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, [A/HRC/13/37](#), 28 December 2009.

¹⁴ See Report of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression, Frank LaRue, [A/HRC/17/27](#), 16 May 2011, para 53.

¹⁵ A/HRC/17/27, para 84.

¹⁶ Report of the Special Rapporteur to the Human Rights Council on the use of encryption and anonymity to exercise the rights to freedom of opinion and expression in the digital age, [A/HRC/29/32](#), 22 May 2015, para 60.

¹⁷ A/HRC/29/32. See also the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression, [Encryption and anonymity follow-up report](#), Research Paper 1/2018, June 2018.

¹⁸ Council of Europe, [Recommendation CM/Rec\(2007\)16 of the Committee of Ministers to member states on measures to promote the public service value of the Internet](#) (Adopted by the Committee of Ministers on 7 November 2007 at the 1010th meeting of the Ministers' Deputies), chapter II.

¹⁹ General Comment 34, para 43.

²⁰ 2011 Joint Declaration.

²¹ See e.g. A/66/290.

²² A/66/290, para 81.

²³ A/66/290. See also A/HRC/17/27, paras 70 and 71.

²⁴ In computer networking, HTTP 451 Unavailable for Legal Reasons is an error status code of the HTTP protocol to be displayed when the user requests a resource which cannot be served for legal reasons.

²⁵ Council of Europe, [Recommendation CM/Rec\(2012\)3 of the Committee of Ministers to Member States on the protection of human rights with regard to search engines](#), para 12 ff.

²⁶ European Court of Human Rights (ECtHR), [Yildirim v. Turkey](#), App no. 3111/10, 18 December 2012.

²⁷ Inter-American Commission on Human Rights, [Freedom of Expression and the Internet](#), December 2013, p.36.

²⁸ 2011 Joint Declaration, para 22; Council of Europe, Recommendation CM/Rec(2012)3, para 13; European Commission, e-Commerce Directive, Article 15; and Council of Europe, [Declaration on Freedom of Communication on the Internet](#), May 2003, Principle 3. See also the Court of Justice of the European Union, [Case C-70/10 Scarlet Extended SA v. Societe belge des auteurs compositeurs et editeurs \(SABAM\)](#), 24 November 2011 and [Case C-360/10 Sabam v. Netlog](#), 16 February 2012.

²⁹ A/HRC/17/27, para 31; Council of Europe, [Recommendation CM/Rec\(2008\)6 of the Committee of Ministers to Member States on measures to promote the respect for freedom of expression and information with regard to Internet filters](#), 26 March 2008, Section III (vi); [Yildirim v. Turkey](#), para 64.

³⁰ General Comment No. 34, para 43; also [Yildirim v. Turkey](#), para 68.

³¹ Council of Europe, Recommendation CM/Rec(2008)6, Section I; Recommendation CM/Rec(2012)3, para 16.

³² See e.g. [Law on Amendments to Criminal Code, Criminal Procedure Code and Code on Administrative Liability of the Republic of Uzbekistan](#), No. 3PY-658 as of 25 December 2020.

³³ ARTICLE 19, [Defamation ABC: A simple introduction to key concepts of defamation law](#), November 2006, pp.12–14.

³⁴ ARTICLE 19, [Analysis of the Law on Guarantees for Activity of the President of the Kyrgyz Republic](#), August 2017.

³⁵ See e.g. [Law on Amendments to certain laws of the Republic of Uzbekistan](#), No. 3PY-679 as of 30 March 2021.

³⁶ See e.g. The Diplomat, [Instead of progress on decriminalizing defamation, Uzbek authorities have amended the criminal code to include online insults of the president as punishable with prison time](#), 2 April 2021.

³⁷ See e.g. ECtHR, *Incal v. Turkey*, App. 22678/93 (1998), para 54; or *Petropavlovskis v. Latvia*, App. 44230/06 (2015), para 85.

³⁸ See e.g. ECtHR, *Pakdemirli v. Turkey*, App. 35839/97 (2005); or *Lingens v. Austria*, App. 9815/82 (1986), para 42. See also Inter-American Court of Human Rights, *Canese v. Paraguay*, Ser. C No. 111 (2004); African Court on Human and Peoples' Rights, *Lohé Issa Konaté v. Burkina Faso*, App. 004/2013 (2014).

³⁹ ARTICLE 19, Analysis of the Law.

⁴⁰ See e.g. Law on amendments, No. 3PY-658.

⁴¹ OSCE, [Joint Declaration on Freedom of Expression and 'Fake News', Disinformation and Propaganda](#), adopted by the UN Special Rapporteur on Freedom of Expression, the OSCE Representative on Freedom of the Media, the Organization of American States Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, 3 March 2017.

⁴² OSCE, Joint Declaration on Freedom of Expression.

⁴³ The Law of the Republic of Uzbekistan of 11 December 2003, [No. 560-II. About informatization](#), as amended on 30 March 2021.

⁴⁴ Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 707, [On improving information security on the Internet](#), 5 September 2018 (in Russian).

⁴⁵ The Law defines 'a blogger' as 'a natural person who posts publicly accessible information of social, political, socio-economic and other nature on his website and (or) website page on the World Wide Web including for the purpose of its discussion by the users.' Hence, any person who has a page on any social network and disseminates information online could be identified as a blogger and is supposed to follow the requirements of the law on false information as well as on the illegal content.

⁴⁶ ARTICLE 19, [Watching the watchmen. Content moderation, governance, and freedom of expression](#), 2021, Recommendation 4.

⁴⁷ Presidential Decree of the Republic of Uzbekistan of 16 June 2021, No. UP-6247, [About additional measures for ensuring openness of activities of state bodies and the organizations, and also effective realization of public control](#), as amended on 14 June 2022.

⁴⁸ Presidential Decree No. UP-6255, [the National Strategy of the Republic of Uzbekistan](#) to counter extremism and terrorism for 2021–2026 and the roadmap for its implementation, 1 July 2021 (in Russian).

⁴⁹ See e.g. UN Office on Drugs and Crime, [Frequently Asked Questions on International Law Aspects of Countering Terrorism](#), 2009, p.4; or [The Use of the Internet for Terrorist Purposes](#), 2012, para 49.

⁵⁰ Concluding observations on the Russian Federation (CCPR/CO/79/RUS), para 20.

⁵¹ UN Human Rights Council, [Human rights impact of policies and practices aimed at preventing and countering violent extremism. Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism](#), 21 February 2020, A/HRC/43/46, para 13.

⁵² A/HRC/43/46, para 14.

⁵³ Digital Uzbekistan 2030 Strategy was adopted and approved by the Decree of the President on 5 October 2020.

⁵⁴ The Resolution of the Cabinet of Ministers No. 699 of 19th November 2021, On Measures on the Further Development of the Telecommunications Infrastructure of the Republic of Uzbekistan.

⁵⁵ Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, 20 January 2014, No. 10, [About measures for enhancement of procedure of activities in the sphere of production, import and distribution of materials of religious content](#), as amended on 19 April 2019.

⁵⁶ See e.g. Gazeta.uz, [Head of Kun.uz fined for religious content on website](#), 22 June 2021 (in Russian).

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- ⁵⁷ See e.g. Anhor.uz, [The editors of Kun.uz explained what motivated the break in work](#), 23 June 2021.
- ⁵⁸ Based on the information obtained from local monitors.
- ⁵⁹ See [SOS – Узбекистан](#) for the text of impugned statements.
- ⁶⁰ See e.g. Fergana, [Attempted construction of a multistore residential building in Tashkent right on the underground waters](#), 15 February 2021 (in Russian).
- ⁶¹ See e.g. Acca Media, [Uzbekistan: first criminal case opened for insulting the president](#), 26 April 2021.
- ⁶² See e.g. Repost, [Uzbekistani insulted the President on the Internet and received a criminal offense](#), 19 April 2021 (in Russian).
- ⁶³ See e.g. UPL 24, [Video: Young people arrested in Samarkand for online video](#), 11 June 2021.
- ⁶⁴ UPL 24, Video: Young people arrested.
- ⁶⁵ The Law of the Republic of Uzbekistan No. ZRU-547, On Personal Data, adopted on 2 July 2019 and entered into force on 1 October 2019.
- ⁶⁶ See e.g. [Amendments to the laws of the Republic of Uzbekistan](#), No. 3PY-666, 14 January 2021.
- ⁶⁷ UN General Assembly, [Promotion and protection of the right to freedom of opinion and expression](#), A/71/373, 6 September 2016.
- ⁶⁸ Inter-American Commission on Human Rights, *Freedom of Expression and the Internet*.
- ⁶⁹ See e.g. UZ News, [Requests sent to Facebook, TikTok, Telegram and other companies to place their servers in Uzbekistan](#), 12 May 2021 (in Russian); or Gazeta UZ, [Letters sent to global Internet companies to place their servers in Uzbekistan](#), 12 May 2021 (in Russian).
- ⁷⁰ See e.g. UPL.UZ, [Uzbekistan limited access to certain social networks](#), 2 July 2021 (in Russian).
- ⁷¹ See e.g. [Telegram post about the situation](#), 16 August 2021 (in Russian).
- ⁷² See e.g. an illustrative [Telegram post about the situation](#), 8 July 2021 (in Uzbek).
- ⁷³ See e.g. the [Telegram channel in question](#) (in Uzbek).
- ⁷⁴ See e.g. Gazeta UZ, [Blogger Miraziz Bazarov severely beaten in Tashkent](#), 29 March 2021 (in Russian).
- ⁷⁵ See e.g. Daryo, [A blogger from Kokand who was said to have been poisoned due to critical articles has died](#), 15 September 2021 (in Uzbek).
- ⁷⁶ See e.g. Anhor, [The Ministry of Internal Affairs accused a foreign journalist of biased coverage of events around blogger Miraziz Bazarov](#), 2 April 2021 (in Russian).
- ⁷⁷ See e.g. Gazeta UZ, [The Foreign Ministry decided not to renew the accreditation of journalist Agnieszka Pikulicka](#), 2 June 2021 (in Russian).
- ⁷⁸ See e.g. AsiaTera, [A criminal case was opened against blogger Miraziz Bazarov – It turned out that last year he ‘slandered’ teachers and ‘insulted’ them](#), 30 April 2021 (in Russian).
- ⁷⁹ See e.g. Gazeta.uz, [Miraziz Bazarov sentenced to three years of limitation of liberty](#), 21 January 2021 (in Russian).
- ⁸⁰ See e.g. Organised Crime and Corruption Reporting Project, [Otabek Sattori, a blogger from Uzbekistan who spoke about corruption, was sentenced to 6.5 years in prison](#), 31 May 2021 (in Russian).
- ⁸¹ The [original posts](#) have been by now removed by Facebook.

⁸² See e.g. Daryo, [The audio of the head of the medical association of Rishtan district threatening a journalist was released. The situation was brought under the control of SSV](#), 10 September 2021 (in Uzbek) and [Telegram post](#) of 10 September 2021.

⁸³ Based on the information provided by the local monitors. See e.g. Daryo, [The audio of the head of the medical association of Rishtan district threatening a journalist was released. The situation was brought under the control of SSV](#), 10 September 2021 (in Uzbek) and [Telegram post](#) of 10 September 2021.

⁸⁴ QALAMPIR.UZ, [Who wanted to embarrass the journalist in 'six seconds'?](#), Official statement, 8 August 2021 (in Uzbek).

⁸⁵ For the content, see these [Snayper blogger posts](#) on Telegram channel.

⁸⁶ For the content, see these [Snayper blogger posts](#) on Telegram channel.