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## U.S. Department of State

### Uzbekistan Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch that serves him dominate political life. The executive branch dominates the Oliy Majlis (Parliament) which consists only of members of parties that support the President. Despite constitutional provisions for an independent judiciary, the executive branch heavily influences the courts in both civil and criminal cases.

The Ministry of Interior (MVD) controls the police. The police and other MVD forces are responsible for most normal police functions. The National Security Service (NSS)--the former KGB--deals with a broad range of national security questions, including corruption, organized crime, and narcotics. The police and the NSS committed numerous, serious human rights abuses.

The Government made incremental improvements to the legislative framework for market reform. However, continuing restrictions on currency convertibility and other government measures to control economic activity led some international lending organizations to suspend or scale back credits. The economy is based primarily on agriculture and agricultural processing; Uzbekistan is a major producer and exporter of cotton. It is also a major producer of gold and has substantial deposits of copper, strategic minerals, gas, and oil. The Government has stated that it is committed to a gradual transition to a free market economy. It has succeeded in reducing inflation and the budget deficit. However, privatization of the large state-owned enterprises that account for the bulk of gross domestic product continued to proceed slowly, and a host of formal and informal barriers continued to constrain the

nascent private sector.

The Government's human rights record remained poor, and the Government continued to commit serious abuses in several areas. Citizens cannot exercise their right to change their government peacefully. The Government has not permitted the existence of an opposition party since 1993. Election laws were amended to restrict the possibility of any new opposition parties arising or mounting a campaign. Chosen president in a 1991 election that most observers considered neither free nor fair, Karimov had his stay in office extended to 2000 by a 1995 Soviet-style referendum. Parliament subsequently voted to make the extension part of Karimov's first term, thus making him eligible to run again in 2000. Police and NSS forces used torture, harassment, illegal searches, and wiretaps, and arbitrarily detained or arrested opposition activists and other citizens on false charges, frequently planting narcotics or weapons on them. Police often beat and otherwise mistreat criminal suspects and arbitrary arrest and detention are common. Detention can be prolonged and prison conditions are poor. Those responsible for documented abuses rarely are punished. In the wake of the April and December 1997 murders of several police officials in the city of Namangan, police in the Ferghana Valley arrested hundreds--perhaps thousands--of citizens suspected of being Islamic extremists or political opponents of the regime. Many persons were arrested for wearing beards or for other outward signs of Islamic piety, but later were released. The police planted contraband on others to justify arrest. Although the aim of the crackdown was clearly more than capturing those responsible for the crime, among those arrested and tried was the probable murderer. Defendants at subsequent trials claimed to have been beaten and tortured. Significant numbers of religious believers were tried and convicted on narcotics and firearms charges; authorities granted some of them amnesty.

The judiciary does not always ensure due process and often defers to the wishes of the executive branch. The Government severely limits freedom of speech and the press, and an atmosphere of repression stifles public criticism of the Government. A new law increases government oversight of the media. Although the Constitution expressly prohibits it, press censorship continues and the Government sharply restricts citizens' access to foreign media. The Government limits freedom of assembly and association. The Government continues to ban unauthorized public meetings and demonstrations. The Government also continues to deny registration to independent political parties as well as to other groups that might be critical of the Government. For example, the Government denied registration to the Human Rights Society of Uzbekistan (HRSU), citing technical deficiencies in its application. Unregistered opposition parties and movements may not operate freely or publish their views. The Government limits freedom of religion, and two new laws may further restrict this right. One requires all congregations and sects to reregister under tighter criteria. The other imposes tougher penalties for groups that violate laws restricting religious activities. The Government harassed and arrested Islamic leaders and believers on questionable grounds, citing the threat of extremism. While the Government tolerates large Christian denominations, it continues to inhibit the activity of smaller evangelical Christian sects, at times denying them registration. There were cases in which university authorities expelled female students for wearing Islamic dress. Despite a constitutional prohibition, there continues to be significant traditional societal discrimination and domestic violence against women. There are some limits on worker rights.

The Government continues to voice rhetorical support for human rights, but does not ensure these rights in practice. Although the election, religion, and media laws contain elements that theoretically support human rights, in reality the Government does not respect such provisions. The office of the human rights ombudsman, which was formed in 1997, reports that it is assisting hundreds of citizens in redressing human rights abuses; however, most of these appear minor. In September the ombudsman formed a Consultative Committee on Human Rights and invited a variety of Uzbek and foreign observers to join; a number accepted, but by year's end it had not met. After some hesitation, the Government permitted the opening of four private radio stations in January.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no confirmed reports of political or other extrajudicial killings.

An outspoken Muslim cleric, Qobil Murodov, was arrested in early October and died in prison in Tashkent on October 30. Murodov's body showed severe bruising, his teeth were knocked out, and his collarbone and several ribs were broken. Officials alternately claimed that he had accidentally fallen from a wall or that other prisoners had beaten him. He was arrested for possession of narcotics and for teaching religion without permission. He had not been tried at the time of his death. At year's end, there was no indication that the Government intended to investigate the circumstances of his death. Murodov was the deputy of Abidkhon Nazarov, who disappeared in March (see Section 1.b.).

There were no reported developments in the 1995 killing of Bokhtiar Yakubov, a witness linked to an opposition activist.

#### b. Disappearance

A leading independent Islamic cleric, Imam Abidkhon Nazarov, has been missing since March 5, when dozens of police and NSS agents raided and searched his home. Although his family claims that the security services abducted him, the Government asserts that he fled to avoid arrest.

There were no reported developments in the 1995 disappearance of Imam Abduvali Mirzaev, the 1997 disappearance of his assistant, Nematjon Parpiev, or the 1992 disappearance of Abdullah Utaev, leader of the Uzbekistan chapter of the outlawed Islamic Renaissance Party (IRP). Most independent observers believe that the three missing Islamic activists are either dead or in NSS custody.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits these practices, police routinely beat and otherwise mistreat detainees to obtain confessions. Both police and the NSS used beatings and harassment against citizens.

In trials during the summer of persons suspected of involvement in the murder of Namangan officials, at least four defendants claimed that their confessions had been extracted by torture or beating. In a trial that ended on July 6, Nosir Yusupov stated that the police used electric shocks during questioning. Co-defendant Isroil Parpiboev told the court that in addition to using electric shocks, the police had denied him food, doused him with cold water, and forced him to stand naked outside in the winter cold.

Family members of the "Namangan 11," a group of young men who, evidence suggests strongly, were accused falsely of belonging to a Namangan city gang that committed a murder and several robberies, continued to protest the court's conviction. Lawyers at the 1996 hearing presented evidence that the defendants' confessions were obtained by beatings. At year's end, the authorities had taken no further action.

Prison conditions are poor, and worse for male than for female prisoners. Due to limited resources, prison overcrowding is a problem. Reportedly there are severe shortages of food and medicines. Political prisoners often are not allowed visitors or any other direct form of contact with family and friends. The

Government operates labor camps, but conditions of incarceration appear to be less severe than in prisons.

The Government does not routinely permit prison visits by human rights monitors such as the International Committee of the Red Cross, although foreign diplomats occasionally have obtained access in specific cases.

#### d. Arbitrary Arrest, Detention, or Exile

Security forces continued to arrest and detain citizens arbitrarily. A Soviet-era detention law provides that police may hold a person suspected of committing a crime for up to 3 days. At the end of this period, the suspect must either be charged officially or released. A prosecutor's order is required for arrests but not for detentions. A court case must be scheduled within 15 days of arrest and the defendant may be detained during this period. A defendant may not have access to counsel while in detention but only after formal arrest. Delays between arrest and trial can be lengthy. For example Oqihon Ziehonov, a practicing Muslim detained on January 18, was not tried until late September.

In practice police arbitrarily stop and detain individuals, whether dissidents or not, without warrant or just cause. In the repression in the Ferghana Valley, arrests and detentions numbered at least in the hundreds and possibly in the thousands. Although it appeared that the vast majority of these persons were released, there was no reliable information about the number of individuals held at year's end. According to a domestic human rights group, some were charged with crimes and are awaiting trial. The police routinely planted small amounts of narcotics or ammunition on citizens to justify their arrest. The police also based dozens of arrests on the mere fact that the individuals wore beards, a traditional sign of Islamic piety. In a trial that ended on June 5, Rakhim Turgunov was convicted of involvement in the 1997 Namangan murder plots, although he had been in prison since 1995. Turgunov claimed the police beat him to obtain a confession.

In a case in January, Abdulkhai and Murad Ergamberdiev were convicted of possession of marijuana and a grenade. The police allegedly had failed in one attempt to plant narcotics on one of the men when his trousers turned out to be missing a pocket. The drugs fell into the street and the police were forced to repeat the attempt, this time successfully, a few days later. There have been dozens, if not hundreds, of similar cases in which individuals were arrested and convicted on the basis of allegedly planted evidence.

In February the police detained approximately 110 women who were attempting to conduct a protest in front of the presidential office building. The women were released quickly and one was fined.

Islamic teacher Rahmatjon Otaqulov was charged and convicted of the illegal possession of narcotics and ammunition in June 1997, despite his defense attorney's effective questioning of the credibility of the arresting officers and witnesses. Otaqulov was released from prison on August 10 and the remainder of his 3-year sentence was converted into a fine. A second Islamic teacher, Olimjon Gafurov, received a 1-year prison term in 1997 for illegal possession of narcotics and arms; there was no further information available on his case.

There were no public results of the internal NSS investigation into the August 1996 detention of the local Human Rights Watch/Helsinki representative.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

Although the Constitution provides for an independent judicial authority, the judicial branch takes its direction from the executive branch and has little independence in practice. Under the Constitution, the President appoints all judges for 10-year terms. They may be removed for crimes or failure to fulfill their obligations. Power to remove judges for failure to fulfill their obligations rests with the President, except for Supreme Court judges, whose removal must also be confirmed by Parliament.

There is a three-tier court system: the people's court on the district level; the regional courts; and the Supreme Court. District and regional court decisions may be appealed to the next level within 10 days of a ruling. The Criminal Code reduces the list of crimes punishable by death to murder, espionage, and treason, eliminating the economic crimes punishable by death in the former Soviet code. Officially and in recent practice, most court cases are open to the public but may be closed in exceptional cases, such as those involving state secrets, rape, or young defendants.

Uzbekistan still uses the Soviet practice of trial by a panel of three judges: one professional judge and two "people's assessors" who are chosen by the workers' collectives for a period of 2, years. However in practice, judges often defer to the Government and its prosecutors on legal and other matters. The judge presides and directs the proceedings. Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The State provides a lawyer without charge, but by law the accused also has the right to hire an attorney. The Ministry of Justice neither pays private lawyers nor provides them with facilities; it no longer supervises private lawyers. Although law enforcement officials may impede access to lawyers and fail to inform defendants of their right to counsel, they do not deny access outright.

In the autumn trial of Oqihon Ziehenov and four other defendants in the Tashkent city court, defense lawyers challenged the impartiality of the professional judge and four times officially requested his replacement. They protested unfair television coverage of the defendants and received a formal apology from the television station. In court they vigorously cross-examined the State's witnesses. The defendants were Muslim believers allegedly associated with the missing Imam Abidkhon Nazarov (see Section 1.b.). All defendants were charged with participating in a conspiracy subversive to the constitutional order (Article 159) as well as several lesser crimes. Despite the relatively vigorous defense, the judge's verdict accepted the prosecution's case without exception, making little mention of the defense witnesses and arguments. Sentences ranged from 4, years in prison (reduced by presidential amnesty to 2 years) to 12 years' imprisonment.

Detainees deemed not to be violent may be released on their own recognizance pending trial. No money need be posted as bond, but in such cases the accused usually must sign a pledge not to leave the city.

In practice most defense lawyers are unskilled at defending their clients. Courts often do not allow all defense witnesses to be heard and written documents are given more weight than courtroom witnesses. In the Namangan trial that ended on June 5, defense attorneys limited their involvement to pleading for mercy for their clients, accepting at face value the confessions extracted by the police. The Supreme Court tried the main group of alleged Namangan conspirators, including the probable murderer. By selecting the Supreme Court as the court of first instance, the defendants were denied the right of appeal. Defense lawyers failed to challenge the Government's case by cross-examining any of the witnesses.

The HRSU listed a total of 47 political prisoners of whom 5 died and "several" were released. Many were associated with the Birlik or Erk opposition parties of the early 1990's, or were involved in independent Islamic activities. Many were convicted of nonpolitical offenses such as tax evasion,

misappropriation of funds, or illegal possession of narcotics or firearms. It is widely believed that arresting officers planted the incriminating material. The authorities released nine individuals believed to be political prisoners in 1996, but none has been released since that time.

The Government granted amnesty to a number of Islamic activists arrested and convicted on narcotics or weapons charges. Abduraub Gafurov still remains imprisoned, after MVD officials illegally closed his trial in 1996. Foreign officials attempted unsuccessfully to observe the trial. Gafurov was scheduled for release in May, but his jail sentence was extended an additional 3 years based on testimony from fellow prisoners.

The Government denies that it holds political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law requires that search warrants be issued by a procurator. There is no provision for a judicial review of warrants. In the search of Imam Abidkhon Nazarov's home (see Section 1.b.), police had no warrant. No legal mechanism exists for authorizing telephone wire tapping or monitoring. Security agencies routinely monitor telephone calls and employ surveillance and wiretaps in the cases of persons involved in opposition political activities.

Article 9 of the new religion law (see Section 2.c.) prohibits private teaching of religious principles. A number of students reportedly were expelled from school for wearing religious dress (see Section 2.c.). Police arrested dozens of men who wore beards, a traditional sign of Islamic piety (see Sections 1.d. and 2.c.). Several students from Tashkent's Institute of Oriental Studies brought suit in civil court against school officials to be reinstated, but were unsuccessful.

The Government does not allow general distribution of foreign newspapers (with the exception of two or three very conservative Russian newspapers) and other publications. However, limited numbers of foreign periodicals appear in Tashkent's two major hotels, and authorized groups can obtain foreign periodicals through subscription. The publication of local editions of Izvestia and Pravda and the sale of their Moscow editions remained suspended. The authorities jam Russian news broadcasts when they are critical of the Government. During the Taliban offensive in northern Afghanistan in August, the Government jammed Russian news broadcasts in southern Uzbekistan (see Section 2.a.).

Opposition activist and former vice president Shukrullo Mirsaidov remained evicted from his home, following the Government's politically motivated confiscation of his property.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

Although the Constitution provides for "freedom of thought, speech, and convictions," the Government continues to limit these rights severely.

A 1991 law against "offending the honor and dignity of the President" limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the Government in public. A new mass media law that came into effect in January provides for freedom of expression, protects the rights of journalists, and reiterates the ban on censorship. Nonetheless, several articles of the law, and the lack of due process provided for in their implementation, allow the Government to use the law to silence critics. One provision makes journalists responsible for the accuracy of the information

contained in their news stories, potentially subjecting them to criminal prosecution if a government official disagrees with a news report. Another permits authorities to close media outlets without a court judgement. Yet another prohibits stories that incite religious confrontation and ethnic discord. Authorities have prosecuted dissidents for violating similar provisions in other laws. Finally, the law prohibits the registration of organizations whose purposes include subverting or overthrowing the constitutional order (see Section 2.b.).

A resolution passed in July by the Cabinet of Ministers as part of the implementation of the media law requires all media outlets to register by January 1, 1999. A 17-member interdepartmental government commission is empowered to grant or deny registration. A media organization must provide information about the intended content or programming, sources of funding, means of distribution, founders, and sponsors. In order to be registered, broadcasters must now pay higher annual fees and must conform to certain technical standards.

Information remains very tightly controlled. Although the Constitution prohibits censorship, it is widely practiced and the Government tolerates little, if any, criticism of its actions. For example, by intimidating advertisers and newsstands, the NSS put the newspaper *Suhbatdosh* (from Shahrissabz near Samarkand) out of business, according to its editor. The journal had published articles critical of local leaders. The last opposition newspaper to be published was that of the Erk party. In 1993 it was banned and has not been published since.

There are no private publishing houses, and government approval is required for all publications.

Newspapers may not be printed without the approval of the Committee for the Control of State Secrets. All newspapers are printed by state-owned printing houses, which refuse to print any newspaper whose editor does not confirm that the Committee has cleared the issue a few hours before being submitted. Journalists who want to ensure that their work is published practice self-censorship.

The Uzbekistan Information Agency cooperates closely with the presidential staff to prepare and distribute all officially sanctioned news and information. Nearly all newspapers are government owned and controlled; the key newspapers are organs of government ministries. Private persons and journalist collectives may not establish newspapers unless they meet the media law's standards for establishment of a "mass media organ," including founders acceptable to the Government. Nonetheless, two private newspapers (one in Samarkand and one in Tashkent) are permitted to operate without censorship. They have no editorial content and consist of advertisements, horoscopes, and similar features.

Limited numbers of foreign periodicals are available, but the Government does not allow the general distribution of foreign newspapers (see Section 1.f.). The Government does not permit rebroadcast of Russian news programming by private television stations. Four state-run channels that fully support the Government and its policies dominate television broadcasting. A cable television joint venture between the state broadcasting company and a foreign company broadcasts the Hong Kong-based Star television channels, including the British Broadcasting Corporation (BBC), Deutsche Welle, and Cable News Network world news, to Tashkent and a few other locations. Access to cable television is beyond the financial ability of most citizens.

There are between 30 and 40 privately owned local television stations and 4 privately owned radio stations. In January the first two radio stations opened, but the Government quickly closed them. However, at least in part in response to international criticism of the closing, the Government allowed them to reopen a week later. Generally, broadcasters practice self-censorship and enjoy some leeway in reporting critically on local government. Samarkand Independent Television, which operates four

channels, is known for such reporting. It is clearly sensitive to political concerns from the Government and concentrates on nonpolitical news, yet it denies that it is censored formally.

The Urgench-based independent television station, repeatedly closed by local government but reopened in 1997 after winning national court appeals, was licensed and is operating.

Private radio and television broadcasters formed an independent association in June (ANESMI). The association resisted both generous incentives and heavy pressure from the Government to elect the Government's candidate as chairman. Government officials openly threatened members of the group and the opposition candidate who was elected. By year's end, the Government twice had denied ANESMI's application for registration as a professional association and Justice Ministry officials reportedly advised the group privately that it never will be registered. ANESMI's ability to attract international funding and operate legally has been effectively restricted.

Many observers fear that some of the radio and television stations may not be able to meet the new mass media law's requirements for registration. In particular, observers fear that the new annual broadcasting fees and required technical standards may force many of these stations out of business. The high fees have discouraged several entrepreneurs who sought to open radio stations. The Commission issued no outright denials of registration to television or radio stations; however, delays in the burdensome registration procedure forced five commercial television stations to suspend operations. By year's end, two of them had been registered. The delays do not appear to have been politically motivated.

Radio Free Europe/Radio Liberty and the Voice of America are not permitted to broadcast from within the country, despite the Government's 1992 contractual agreement to allow this activity. Permission for the British Broadcasting Corporation radio to broadcast from within the country was reduced from 3 to 2 hours per day in December. Moreover, the Government informed the station that as of January 1999, it would be required to broadcast on a very low FM frequency, that most radios would not be able to receive. One of the private Tashkent radio stations (My Town) began rebroadcasting BBC programming on December 15, but was closed by the authorities after 3 days.

The Government has granted academic institutions increased autonomy, but freedom of expression still is limited. Most institutions are modernizing their curriculums, but up-to-date textbooks are difficult to find.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly; however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds. The Government must approve demonstrations, but does not grant permits to demonstrators routinely. In January police detained and fined approximately 100 women in Islamic dress who intended to march on the presidential office building. The women were protesting repression in the Ferghana Valley and government interference in Islamic religious teaching.

The Constitution provides for the right of freedom of association, but the Government limits the exercise of this right by refusing to register opposition political parties and movements opposed to the established order. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be registered formally with the Government in accordance with procedures prescribed by law. A 1996 analysis of the law on political parties by foreign legal observers concluded that, while it provides protections for minority parties and permits a wide range of fund raising, it also gives the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support

from those opposed to the Government. Independent observers believe that the Government intends to make it more difficult to form and register parties. The process for government registration of NGO's and other public associations is also difficult and time consuming, with many opportunities for obstruction. Although unregistered organizations often can disseminate literature, hold meetings, and use letterhead stationery without government interference, they have no real access to the media or government since they do not exist legally.

The Law on Public Associations as well as the Law on Political Parties prohibits registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already are registered. Officials used the latter provision to block human rights NGO's and independent political parties from registering by creating another NGO or party with the identical name.

The Government has refused to register two of the major independent human rights organizations. The Human Rights Society of Uzbekistan (HRSU), a group with close ties to exiled opposition figures, has sought registration unsuccessfully since 1992. Independent observers believe that the Government's refusal to register the HRSU is politically motivated. The Independent Human Rights Organization of Uzbekistan (IHROU), headed by longtime human rights activist Mikhail Ardzinov, held its founding organization meeting (kurultai) and filed registration papers in 1997, but the Government has not as yet acted on its application. In both cases, the Government claims that the registration applications had technical deficiencies in their paperwork. The Government has registered only one human rights NGO, the Committee for Protection of Individual Rights, which was formed with government support in 1996.

In earlier years, the Government repeatedly denied the attempts of the Birlik movement and the Erk party to register. Most of the leaders of these organizations have gone into voluntary exile, and these organizations made no attempt to register during the year, reportedly because their remaining adherents were afraid of government reprisals.

The Constitution and a 1991 amendment to the law on political parties ban those of a religious nature. Authorities cite this principle in denying registration to religious parties, including the IRP. Other opposition activists have announced the formation of the Adolat-True Path Party but never pursued formal registration, claiming that their members also are afraid of government reprisals.

Nonpolitical associations and social organizations usually may register, although complicated rules and a cumbersome government bureaucracy often make the process difficult. Some evangelical churches (see Section 2.c.) found it difficult to obtain registration or reregistration.

### c. Freedom of Religion

The Constitution provides for freedom of religion and for the principle of separation of religion and state; however, in practice the Government perceives unofficial Islamic groups or mosques as threats and sharply restricts their activities. The Government permits Jewish groups, the Russian Orthodox Church, and several other Christian denominations, such as Catholics and Lutherans, to worship freely. Despite the principle of separation of church and state, the government-controlled Spiritual Directorate for Muslims funds some Islamic religious activities.

On May 1, the Parliament passed two laws that have the potential to restrict religious activity. The Law on Freedom of Conscience and Religious Organizations replaces the previous religion law of the same name. It provides for the right to freedom of worship, freedom from religious persecution, separation of church and state, and the right to establish schools and train clergy. However, the law also restricts

religious rights that conflict with national security, prohibits proselytizing, bans religious subjects in school curriculums, prohibits private teaching of religious principles, forbids the wearing of religious clothing in public by anyone except clerics, and requires religious groups to obtain a license to publish or distribute materials. The law also requires that all religious groups and congregations register or reregister following stricter criteria. In particular each group must present a membership list showing at least 100 Uzbek citizen members. This provision enables the Government to ban any group simply by denying its registration petition. Government officials designed the law to target Muslims worshiping outside the system of state organized mosques. At year's end, the Government had registered approximately 1,250 religious congregations and organizations 1,140 of which are mosques. In several instances, it granted exemptions from the requirement of having 100 Uzbek members to foreign Christian groups and other small congregations.

The second law consists of a series of revisions to the criminal and civil codes, which stiffen the penalties for violating the religion law and other statutes on religious activities. It provides punishments for activities such as organizing a banned religious group, persuading others to join such a group, and drawing minors into a religious organization without the permission of their parents.

Although authorities tolerate many Christian evangelical groups, the Government often harasses those that openly try to convert Muslims to Christianity. Although the distribution of religious literature by duly registered central offices of religious organizations is legal, missionary activity and proselytizing is not. Some evangelical churches found it difficult to obtain registration and reregistration (see Section 2.b.). Evangelical leader Denis Podorozhny, head of the Word of Faith congregation, continued to try to regain the registration his group lost in 1994, despite having twice been arrested in 1996 and spending

12 days in jail. Mission of Mercy head Olga Avetisova tried for 7 years to register her Christian Humanitarian Association despite receiving death threats from local officials in 1996. She finally left the country late that year. Pastor Rashid Turibayev of the Karakalpak Full Gospel Christian Church was sentenced to 2 years of hard labor in 1997 for leading illegal church services, but was granted amnesty and released in February.

The Government seeks to control the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials. The Government claims that such actions are necessary to counter the allegedly destabilizing influence of extremist Islamic forces. The Government is dedicated to preventing the spread of ultra-conservative varieties of Sunni Islam, which it labels "Wahhabism." President Karimov has spoken frequently and emphatically about the Government's opposition to Wahhabism or anything that it perceives as extremist Islam. Dissident Islamic figures deny that they are extremists and claim that they are being persecuted for their unwillingness to praise the Government's actions "slavishly." At the beginning of the year, the Government ordered the removal of loudspeakers from mosques in order to prevent the public broadcasting of morning and evening calls to prayer. The Government closed several hundred nonauthorized mosques during the year.

The security services have detained and harassed Muslim leaders for perceived acts of insubordination and independence. Authorities have extended the sentence of imprisoned Islamic Muslim activist Abduraub Gafurov, although he was scheduled for release in March based on "testimony" by fellow inmates. The government-appointed mufti has not reinstated several independent-minded clerics whom he fired in 1996. The Andijon Friday mosque, where missing Imam Abduvali Kori Mirzaev (see Section 1.b.) formerly preached, was closed by the Government in mid-1995 and remains closed.

On December 29, the Supreme Court handed down sentences of from 5 to 16 years to a group of 15 alleged associates of missing Andijon Imam Mirzaev. Most confessed in full or part to the Government's charges of robbery, murders, terrorism, and conspiracy against the constitutional order,

but human rights observers believed that the Government persuaded some members of the group to confess to conspiracy and terrorism in order to discredit Mirzaev.

Human Rights Watch has compiled a list of 20 confirmed and 35 unconfirmed cases in which university and secondary school students have been expelled for wearing religious dress (see Section 1.f.). Several students from Tashkent's Institute of Oriental Studies brought suit in civil court against school officials to be reinstated, but were unsuccessful. In the Ferghana Valley, numerous young men were arrested for wearing beards or showing other signs of conservative Islam (see also Sections 1.d. and 1.f.).

There is no pattern of official discrimination against Jews. Synagogues function openly; Hebrew education (long banned under the Soviets), Jewish cultural events, and the publication of a community newspaper take place undisturbed. However, many Jews are emigrating because of the perception of bleak economic prospects and their connection to families abroad.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for free movement within the country and across its borders, and the Government generally respected these rights. The Government requires citizens to obtain exit visas for foreign travel or emigration, but grants these permits routinely.

The Government issues new passports in place of the old Soviet ones for citizens traveling overseas. For purely internal travel, the old passports remain valid until 2000. The new passports serve as both internal identity cards and, when properly certified, as external passports.

Movement within the country of foreigners with valid visas generally is unrestricted. However, visitors require special permission to travel to certain areas, such as Termez, on the Afghan border.

A number of Uzbek human rights activists were able to enter and leave the country without encountering problems from the Government.

The law on citizenship stipulates that citizens do not lose their citizenship if they reside overseas. However, since Uzbekistan does not provide for dual citizenship, those acquiring other citizenship lose Uzbek citizenship. If they return to the country as foreign citizens, they are subject to foreign visa regulations. There is no evidence that anyone was denied permission to return.

There is no law concerning the rights of refugees and asylum seekers, and the Government does not recognize the right of first asylum. The Government considers asylum seekers from Tajikistan and Afghanistan to be economic migrants, and such individuals are subject to harassment and bribe demands when seeking to regularize their status. They may be deported if their residency documents are not in order. The country hosts populations of ethnic Koreans, Meskhetian Turks, Germans, Greeks, and Crimean Tartars deported to Central Asia by Stalin during World War II. These groups enjoy the same rights as other citizens. Although they are free to return to their ancestral homelands, absorption problems in several of those countries have slowed that return. The United Nations High Commissioner for Refugees (UNHCR) estimates that there are 30,000 Tajik and 8,000 Afghan asylum seekers, of whom 3,600 have filed asylum requests with the UNHCR and 1,050 have received mandate refugee status.

The Government forced two Afghan refugees to return to Afghanistan; however, another Afghan refugee (with the help of the UNHCR), successfully appealed in court the Government's decision to deport him. The court rescinded the deportation order and instead levied a fine, which the refugee also is

appealing.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

While the Constitution provides for this right, in reality citizens cannot change their government through peaceful and democratic means. The Government severely represses opposition groups and individuals and applies strict limits on freedom of expression. No opposition groups participated in government or were allowed to function legally.

The Government is highly centralized and ruled by a strong presidency. President Karimov, formerly the first secretary of the Communist Party in Uzbekistan under Soviet rule, was elected in a limited multicandidate election in 1991. A 1995 Soviet-style referendum and subsequent parliamentary decision extended Karimov's term until the year 2000. President Karimov and the executive branch retain control through sweeping decree powers, primary authority for drafting legislation, and control of virtually all government appointments, most aspects of the economy, and the security forces.

Most government officials are members of the People's Democratic Party of Uzbekistan (PDP), formerly the Communist Party and still the country's largest party. However, the party as such does not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996.

The 1995 parliamentary elections were limited to candidates and parties (the PDP and one other government-sponsored party) that support the President. Since then two other government-sponsored parties have been created and entered Parliament through unchallenged by-elections and other arrangements. The Oliy Majlis is constitutionally the highest government body. In practice despite assistance efforts by international donors to upgrade its ability to draft laws independently, its main purpose is to confirm laws and other decisions drafted by the executive branch rather than to initiate legislation.

New laws governing the conduct of parliamentary and presidential elections, as well as a law creating a Central Election Commission, came into effect during the year. These laws, combined with the 1997 law on political parties, make it extremely difficult for opposition parties to come into existence, to nominate candidates, and to campaign. The procedures to register a candidate are burdensome and the Central Election Commission has authority to deny registration. For example, a presidential candidate is prohibited from campaigning before being registered, but must present a list of 150,000 signatures in order to be registered. The Central Election Commission must deny registration of presidential candidates who are found to "harm the health and morality of the people." The new statutes deleted a previous provision allowing recourse to the Supreme Court to candidates whose parties are denied registration. The Ministry of Justice has the right to suspend parties for up to 6 months without a court order. Candidates may meet with voters only in forums organized by precinct election commissions. The new laws repeal the right of parties to fund their candidates' campaigns directly. Instead, parties must turn over all campaign money to the Central Election Commission that then distributes the funds equally among the candidates. Only the Central Election Commission may prepare and release presidential campaign posters.

The Government does not officially forbid membership in any political organization. However, individuals whose names are linked with unregistered, opposition-connected organizations report that they are subject to telephonic and written harassment and discrimination in the workplace. Harassment and surveillance of Islamic dissidents continue.

The leading opposition activist still residing in the country, former vice president Shukrullo Mirsaidov, has been subject to severe harassment. He and his family have suffered abductions, eviction, and surveillance in recent years. Mirsaidov has not regained possession of his confiscated property and is living in other facilities. Authorities have announced no progress on the investigation of his 1995 abduction, or the 1996 abduction of his son, Hasan. However, the Government now ignores him because he is regarded as being uninterested in further political activity.

Traditionally, women participate much less than men in government and politics. However, the number of female deputies in parliament grew from 13 to 40 (of 250 deputies) from 1997 to 1998 through uncontested by-elections. There are 2 women (both with the rank of deputy prime minister) among 28 members of the Cabinet; 1 is specifically charged with women's issues.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The Government generally disapproves of local nongovernmental organizations (NGOs) working on human rights and restricts their operations. Local NGOs face many legal and bureaucratic obstacles.

The Government has denied registration to the main human rights organizations (see Section 2.b.). Members of these organizations report that the Government continues to harass and intimidate them even as individuals. The chairman of the HRSU, Abdumannob Polat, lives in voluntary exile outside the country. Despite initially refusing in 1997 to grant a return visa to Polat, the Government has allowed him to visit and consult with officials twice in the past 2 years. Both trips were uneventful.

During the year, the Ministry of Justice twice refused to register the IHROU. The Government claims that the IHROU has not satisfied all registration requirements.

After years of opposition and delay, the Government registered one human rights NGO in 1996. The registered NGO, the Committee for Protection of Human Rights, was formed with the support of the Government, but has ties to opposition figures as well. It reportedly has had some success in investigating abuses and persuading the Government to correct them. Some sources affiliated with other groups have questioned its independence from the Government.

One international human rights group, Human Rights Watch/Helsinki, has permission to operate in the country and has had an office in Tashkent since 1996.

In the past, the Government sharply criticized international human rights groups and Western and Russian reporters for what it considered biased reporting on human rights in the country. The Government has continued to reject criticism from Moscow-based sources, but in 1996 announced its willingness to hold an open dialog with international human rights NGOs. Such a dialog has not yet materialized.

Since 1997 there has been a human rights ombudsman's office affiliated with the Parliament. The ombudsman may make recommendations to modify or uphold decisions of state agencies, but the recommendations are not binding. The ombudsman is prohibited from investigating disputes within the purview of the courts. The ombudsman replaced the parliamentary human rights commissioner, who had insufficient trained staff to carry out in-depth investigations of human rights violations and did not vigorously pursue allegations against the police and security forces. The office of the ombudsman reports that it is assisting hundreds of citizens in redressing human rights abuses, most of which appear minor. Observers are aware of few cases satisfactorily resolved by the ombudsman. In September the

ombudsman formed a Consultative Committee on Human Rights and invited a variety of Uzbek and foreign observers to join it. Many of those invited have agreed to join--at least provisionally--but the group has not met as of year's end.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

Both the Constitution and the 1992 law on citizenship prohibit discrimination on the basis of sex, religion, language, or social status; however, societal discrimination against women persists.

#### **Women**

Spousal abuse is common, but both local activists and the police say they have no statistics. Wife beating is considered a personal family affair rather than a criminal act, and thus such cases are usually handled by family members or elders within the community (mahalla) and rarely come to court.

Trafficking of women and girls for the purpose of prostitution occurs, particularly to the Persian Gulf and Turkey. However, there are no reliable statistics on this problem, and it does not seem to be carried out on a large scale.

Due to tradition, women, particularly in rural areas, usually marry before age 20, bear many children, and confine their activities within the family. In rural areas, women often find themselves working arduously in the cotton fields. However, women are not formally impeded from seeking a role in the workplace. The barriers to equality for women are cultural, not legal, and women who open businesses or seek careers are not hindered legally.

Although the law prohibits discrimination against women, traditional cultural and religious practices limit their role in everyday society. For these reasons, women are severely underrepresented in high-level positions. In 1995 President Karimov issued a decree on measures to increase the role of women in society, particularly extending their participation in state and social administration and coordinating the activities of ministries and social organizations as they relate to women's issues. In this connection, a new deputy prime minister position was created and charged with furthering the role of women in society. The edict also created heads of women's affairs in the autonomous republic of Karakalpakstan, regions, cities, and districts. The Ministry of Finance was ordered to allocate the necessary funds to finance these new positions and working bodies. Government-controlled women's committees were formed in most regions, but most are underfunded successors to old Soviet women's committees and play only a minor role in improving the condition of women.

Several dozen NGO's address the needs of women. The Businesswomen's Association, in addition to providing resources and information about developing small enterprises, operates a store that sells clothing and crafts. A center in Tashkent conducts seminars on sexual harassment, domestic violence, and the legal rights of women. Another center in Samarkand operates a crisis hotline and provides educational services on alcoholism, sexually transmitted diseases, and family counseling.

Depressed because of their low social status, some women and girls resort to suicide by self-immolation. There are no reliable statistics on the extent of this problem, since most cases go unreported. After marriage many women or girls move into the husband's home, where they occupy the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercises complete control over the young bride, usually is the stimulus for suicide. Representatives of women's groups have observed an increase in self-immolation, which remains the most frequent form of suicide for women in desperate circumstances.

A 1997 research study indicates that the number of women enrolling in higher education is diminishing; for example, women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to about 25 percent in 1997. Cutbacks in government funding to universities and the need for families to fund a higher percentage of educational costs leaves many families in the position of being able to fund the education of only one child, either a son or a daughter. The report states that university faculty "steer" women into occupations traditionally performed by females and suggests that administrators may practice a policy of deliberately barring entrance to women in some fields.

### Children

The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they are of age. In theory the State provides free universal primary education and health care. In practice shortages and budget difficulties mean that some services must be paid privately. The State grants monetary allowances to families based on their number of children. The country has a very high birthrate; over one-half of the population is under the age of 15.

Nine years of formal schooling are compulsory, and the average length of schooling is over 11 years. The U.N. Development Program reports that 100 percent of children complete secondary school.

There is no societal pattern of abuse of children.

### People With Disabilities

One of the country's first laws, adopted only 2 months after independence in 1991, provided support for the disabled. This law was aimed at ensuring that the disabled have the same rights as other citizens. However, little effort is made to bring the disabled into the mainstream. The State cares for the mentally retarded in special homes. The Government has not mandated access to public places or transportation for the disabled.

### Religious Minorities

While there is no pattern of anti-Semitism, a Tashkent synagogue's glass signboard was destroyed with a brick during Saturday prayers on June 6. Police subsequently identified a vagrant who denied any religious motive as the perpetrator.

### National/Racial/Ethnic Minorities

Government statistics show that the population of approximately 23 million is about 71 percent Uzbeks, 8 percent Russians, 5 percent Tajiks, 4 percent Tatars, and 3 percent Kazakhs, with many other ethnic groups represented. The statistics may underestimate the number of ethnic Tajiks. The figures also do not include many ethnic Tajiks whose mother tongue was Uzbek. Moreover, some Tajiks choose for a variety of reasons to declare themselves to be ethnic Uzbeks.

The citizenship law, passed in 1992, does not impose language requirements for citizenship. Nonetheless, the language issue remains very sensitive. Uzbek has been declared the state language, and the Constitution requires that the President speak Uzbek. However, the language law provides for Russian as "the language of interethnic communication." Russian is widely spoken in the main cities, and Tajik is widely spoken in Samarkand and Bukhara. The language law, passed in 1989, originally required that Uzbek would be the sole method of official communication by 1998, but subsequently was modified and now stipulates no specific date. The Government also is in the process of replacing its

Cyrillic alphabet with the Latin alphabet. However, recognizing the difficulties for Uzbeks and minorities alike, the Government has delayed the full transition to both Uzbek and the Latin alphabet to 2005.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The 1992 law on unions specifically provides that all workers have the right voluntarily to form and join unions of their choice, and that trade unions themselves may voluntarily associate territorially or sectorally. Membership in trade unions is optional. The law also declares all unions independent of the State's administrative and economic bodies (except where provided for by law), and states that trade unions should develop their own charters, structure, and executive bodies and organize their own work.

In practice, however, the overall structure of trade unions has not changed significantly since the Soviet era. Independence has eliminated subordination to Moscow but has not altered the centralized trade union hierarchy, which remains dependent on the Government. No "alternative" central union structures exist.

A few new professional associations and interest groups have been organized, such as a union of entrepreneurs, a union of renters, an association of private physicians and pharmacists. Registered professional associations for judges and lawyers formed in 1997; both organizations were quasi-governmental. The main activity of all registered associations is professional development. They do not license members and have no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally as organizations that defend the right to work and to protect jobs. They have lost their previous role in state planning and in the management of enterprises. The emphasis now is on the unions' responsibility for "social protection" and social justice--especially unemployment compensation, pensions, and worker retraining.

The trade union law does not mention strikes or cite a right to strike. However, the law does give the unions oversight for both individual and collective labor disputes, which are defined as those involving alleged violations of labor laws, worker rights, or collective agreements.

There were few reports of strikes. This circumstance likely reflects the absence of truly representative trade unions, as the standard of living fell and growing unemployment raised social tensions. The absence of labor activism also reflects the communist legacy of docility in the face of authority. However, both union and government officials assert that the lack of strikes reflects general support for the Government's policies and common interest in social stability.

The 1992 law on unions provides that unions may choose their own international affiliations; however, none h