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07 April 2004

UZH42472.E

Uzbekistan: Role of *mahalla* in Uzbek society; whether *mahalla* are involved in extortion; state protection)
Research Directorate, Immigration and Refugee Board, Ottawa

The word '*mahalla*' refers broadly to a neighbourhood or local community (JICL Spring 2002, 96; HRW Sept. 2003, 5). Meaning "local" in its Uzbek derivation of the Arabic term, *mahalla* are residential community associations that were once common throughout the Islamic world but now, outside of Uzbekistan, they are a vanishing institution (JICL Spring 2002, 94 n. 5, 95).

Promoting it as a "traditional institution," the Uzbek government has embraced *mahalla* as a "fundamental unit" of society (HRW Sept. 2003, 5). *Mahalla* were legitimized into law in 1993 under the Law on Institutions of Self-Government of Citizens, otherwise known as the Mahalla Law (ibid., 6). Uzbekistan is divided into an estimated 10,000 *mahalla* of varying population sizes but averaging roughly 2,000 persons (JICL Spring 2002, 95; RFE/RL 24 Feb. 2003). Citing a 2001 source, the Human Rights Watch reports 12,000 *mahalla* in Uzbekistan, of between 150 and 1,500 households (Sept. 2003, 6). According to legal specialist Eric W. Sievers of Harvard Davis Center for Russian and Eurasian Studies, the communities have three forms: former state and collective farm units, modern apartment complexes and urban blocks of family dwellings (JICL Spring 2002, 96). Each residential area in Uzbekistan "belongs to one, and only one, mahalla" and *mahalla* usually are divided from others by walls or large streets (ibid., 96, 97).

Membership in a Mahalla

Every Uzbek technically belongs to a *mahalla* (ibid., 96) and in general no one is excluded based on class, profession or religion (RFE/RL 24 Feb. 2003). While non-Uzbeks may live in *mahalla*, participate in local events and may receive social services provided by the community, they "are often not expected to contribute work and services" although they are expected to "acknowledge the *mahalla* as a primary social force" (JICL Spring 2002, 98). Self-imposed exile, Sievers argues, is a possibility rejected by most Uzbeks (ibid.). A person has the right to move from a community; however, when someone takes up residence in the new neighbourhood, they are expected to orient themselves toward the norms of their new community (ibid.). Likewise, a woman who marries is expected to take up residence in her husband's *mahalla* and sever ties to her old community (ibid., 98-99).

Social Role of Mahalla

Mahalla communities are homogenizing agents intended to ensure social solidarity by placing demands on members to conform with the communal norms (ibid., 136). In addition, the institution upholds community standards by providing an authoritative basis to motivate residents to assist one another and improve and maintain the neighbourhood as a whole (ibid., 102-103). Members of the community provide for and receive social services, including support to the elderly, intervention in cases of domestic violence and in order to discourage divorce, adjudication of disputes between residents and provision of subsistence employment' as well as to pressure the relatively wealthy to share with the needy (ibid.; HRW Sept. 2003, 8). Since 1994, *mahalla* have distributed social welfare assistance to the needy; since 1999, the local community leadership (*kengash*) has determined the recipients of that assistance (JICL Spring 2002, 142).

Authority Structure in a Mahalla

Legal specialist Eric W. Sievers describes the authority structure of a *mahalla* as follows:

In modern Uzbekistan, *mahalla* leadership draws on four distinct sources of authority. Under authority of law, a chairperson (*rais*) leads the *mahalla* committee (*kengash*). As of 1999, the *rais* is a state employee selected in an unstandardized process of appointment by district government, internal voting, and consensus. Second, under informal authority, an *aksaqal* (whitebeard) is an older male in a

mahalla selected by consensus from his generational cohort for his wisdom, personal clout, and managerial finesse. As wealth engenders respect, the wealthy comprise a third authority. Finally, under female authority, a senior *mahalla* woman assumes an informal leadership role, often in tandem with formal service on a *mahalla* women's committee (ibid., 100-101).

The *kengash* is comprised of the *rais*, who is elected for a period of 30 months, his advisors, commission chairs and a secretary (ibid., 119; RFE/RL 24 Feb. 2003). Often, according to Sievers, "a few families [will] capture the bulk of *mahalla* leadership positions or alter the comparative weight of these positions so as to capture de facto power" (JICL Spring 2002, 101). Furthermore, in practice, the approval of the district or city (*hokimiat*) government is required before those elected assume roles on the *kengash* or before it simply appoints the *mahalla* committee chair (HRW Sept. 2003, 7). Given that the *hokimiat*, in turn reports to the central government, the state intervenes directly into the political structure of the *mahalla* (ibid.).

The 1999 revision of the 1993 *Mahalla* Law, according to HRW, was enacted in response to a series of bombings in Tashkent in 1999 (ibid., 6). The revisions made *mahalla* officials state employees (RFE/RL 24 Feb. 2003; JICL Spring 2002, 151) and made the failure to abide by any *mahalla* decisions a state crime (ibid., 152). Furthermore, the *kengash* have a legal responsibility to ensure public order and repress unregistered religious opposition, including participation in their surveillance and arrest (HRW Sept. 2003, 9).

In this light, a 1999 Cabinet of Ministers decree commissioned a *mahalla*-based civilian police force called the *posbon* (ibid., 7) or neighbourhood guards (ibid.; JICL Spring 2002, 120). The *mahalla* as a whole, in cooperation with the head of police, determines who will act as *posbon* in the community (HRW Sept. 2003, 11). While HRW reports that members of this force are paid by the state (ibid., 7), Sievers describes them as part of the uncompensated labour expected in *mahalla* that provides a localized response to crime (JICL Spring 2002, 120). In either event, community members are expected to cooperate with the *posbon*, who, in turn, are expected to inform police of community members' activities (HRW Sept. 2003, 11). HRW reports that there is no standard number of *posbon* in a community; however two Tashkent *mahalla* with over 3,000 persons have fewer than ten civilian police (HRW Sept. 2003, 7). A local journalist interviewed by Radio Free Europe/Radio Liberty (RFE/RL) claimed that "[i]f there are 100 inhabitants in one *mahalla*, 30 of them are '*posbons*' [in charge of security], 20 of them are '*quloqs*' [who collaborate with security officials]" (24 Feb. 2003).

Misuse of Authority and Extortion

The HRW report details numerous examples of abuses perpetrated by *mahalla* authorities against Uzbek citizens including abuses against alleged members of the Hizb ut-Tahrir (Party of Liberation) politico-religious organization (HRW Sept. 2003, 12). These abuses included surveillance and information gathering on *mahalla* members' activities (ibid., 13-16), extrajudicial punishment and public denunciations (ibid., 17-20), discrimination in providing social assistance (ibid., 21-22), perpetuating domestic violence by blocking female-initiated divorce (ibid., 24-25) and forced resettlement (ibid., 30).

The Research Directorate did not find reports of bribe-seeking activities or extortion perpetrated by *mahalla* authorities and fewer references to corruption among the sources consulted. Sievers notes that the *mahalla* committee's power of charitable distribution may provide the opportunity for corruption (JICL Spring 2002, 153-154). HRW also reported on the discretionary powers of *mahalla* in issuing social services and how there were "few objective criteria and little external control" governing these matters (Sept. 2003, 21). The distribution of welfare has elicited "much grumbling and frequent suspicions of corruption" among the Uzbek citizenry (JICL Spring 2002, 147). In this respect, Sievers notes that the *rais* has been granted the right to

lease land, collect rents, and engage in commerce. It is no surprise that *rais* are well-off and that *mahalla* are increasingly the objects of popular resentment..." (ibid., 153).

...

[According to practice] aid should not be distributed until a family submits a formal application that outlines family assets, income, and employment and / or until the *mahalla* committee directly documents the assets of a family. ... Yet, such disclosures can also work to increase the leverage of *rais* and other *kengash* members within the community (ibid., 154 n. 183).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Internet sites, including: Amnesty International, *Country Reports 2002*, *Country Reports 2003*, Freedom House, Human Rights Watch World Report, Human Rights Without Frontiers, *Times of Central Asia*.

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