



## Uzbekistan

### Country Reports on Human Rights Practices - [2001](#)

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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; however, in practice President Islam Karimov and the centralized executive branch that serves him dominate political life. First chosen president in a 1991 election that most observers considered neither free nor fair, Karimov's term was extended to 2000 by a 1995 plebiscite. Parliament subsequently voted to make the extension part of Karimov's first term, making him eligible to run for office again in 2000. He was elected to a second term in January 2000 against token opposition with 92.5 percent of the vote under conditions that were neither free nor fair. In December the Parliament voted to schedule a January 2002 plebiscite, which would, as part of a constitutional reform, extend Karimov's term in office for an additional 2 years. The Oliy Majlis (Parliament) consists almost entirely of officials appointed by the President and 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 routine 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. There is effective civilian control over the military. The police and the NSS committed numerous serious human rights abuses.

The country has a population of approximately 24,756,000. The Government has stated that it is committed to a gradual transition to a free market economy. However, despite some steps during the year toward currency convertibility, continuing restrictions on convertibility and other government measures to control economic activity have constrained economic growth and led international lending organizations to suspend or scale back credits. The economy is based primarily on agriculture and agricultural processing; the country is a major producer and exporter of cotton. It also is a major producer of gold and has substantial deposits of copper, strategic minerals, gas, and oil. The Government continued to make progress in reducing inflation and the budget deficit, but government statistics understate both, while overstating economic growth. There are no reliable statistics on unemployment, which is believed to be high and growing. The Government took some modest steps to reduce the formal and informal barriers that constrain the nascent private sector, including the unification of exchange rates and easier licensing processes for businesses.

The Government's human rights record remained very poor, and it continued to commit numerous serious abuses. Citizens cannot exercise the right to change their government peacefully; the Government does not permit the existence of opposition parties. Security force mistreatment resulted in the deaths of several citizens in custody. Police and NSS forces tortured, beat, and harassed persons. Prison conditions were poor, and pretrial detention can be prolonged. The security forces arbitrarily arrested and detained persons, on false charges, particularly Muslims suspected of extremist sympathies, frequently planting narcotics, weapons, or banned literature on them. Human rights groups estimated that the number of persons in detention for political or religious reasons and for terrorism, primarily attendees of unofficial mosques and members of Islamist political groups, but also members of the secular opposition and human rights activists, was approximately 7,500. During the year, the Government implemented an agreement allowing the International Committee of the Red Cross (ICRC) access to convicted prisoners; however, the ICRC suspended its prison visits after it was not able to get the Government to agree to pretrial detention visits. The judiciary does not ensure due process and often defers to the wishes of the executive branch. Parliament passed several laws on judicial reform. Police and NSS forces infringed on citizens' privacy, including the use of illegal searches and wiretaps. Those responsible for documented abuses rarely are punished.

The Government severely restricts freedom of speech and the press, and an atmosphere of repression stifles

public criticism of the Government. Although the Constitution expressly prohibits it, censorship is practiced widely. The Government limits freedom of assembly and association. The Government continued to ban unauthorized public meetings and demonstrations and police forcibly disrupted some protests during the year. The Government continued to deny registration to opposition political parties as well as to other groups that might be critical of the Government; unregistered opposition parties and movements may not operate freely or publish their views. The Government restricted freedom of religion. The Government harassed and arrested hundreds of non-official Islamic leaders and believers, citing the threat of extremism. The Government tolerates the existence of minority religions but places limits on their religious activities. Following fighting with the Islamic Movement of Uzbekistan (IMU) in 2000, the Government forcibly resettled five villages and the villagers were not permitted to return home during the year. The resettlement of other villages reportedly continued during the year. The Government restricted local nongovernmental organizations (NGO's) working on human rights and refused to register the two main human rights organizations. Security forces abused human rights activists. The Office of the Human Rights Ombudsman reported that it assisted hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police; however, most of the successfully resolved cases were relatively minor.

Violence against women, including domestic violence, was a problem, and there continued to be significant traditional, societal discrimination against women. Workplace discrimination against some minorities persisted. There are some limits on worker rights. Some children, particularly in rural areas, are forced to work during the harvest season. Trafficking in women and girls to other countries for the purpose of prostitution was a problem.

## **RESPECT FOR HUMAN RIGHTS**

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

#### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings; however, security forces committed a number of killings of prisoners in custody. Although there is specific information available on deaths due to mistreatment in custody, human rights observers and relatives of prisoners claim that the number of such cases throughout the country reached several dozen during the year. Law enforcement officials warned families not to talk about their relatives' deaths. Government officials acknowledge that some inmates died, but attribute the deaths to illness or suicide.

According to human rights activists and other observers, many of those who died in custody were interned at a prison near Jaslik in Karakalpakstan, where conditions were thought to be extremely harsh in the past; however, conditions in Jaslik improved during the year. Nearly all the inmates of this facility, which opened in 1999, were convicted for religious extremism (see Section 2.c.).

The country's regulations require that every death in custody be investigated by a medical examiner. In most cases, deaths apparently due to torture or other mistreatment are ascribed to heart failure.

On February 21, police arrested Emin Usman, a prominent writer and an ethnic Uighur, on charges of possessing illegal religious literature and belonging to the banned Hizb ut-Tahrir Islamic political party. Police returned Usman's body to relatives on March 1. Authorities, who claimed that Usman had committed suicide, ordered the body buried immediately and would not allow family members to view it; however, one family member who did view the body reported that it bore clear signs of having been beaten.

On July 7, Shovruk Ruzimuradov, a human rights activist and former Member of Parliament died in custody allegedly after police tortured and beat him. Prior to his death, authorities had held Ruzimuradov in a pretrial detention facility for 3-weeks. While searching his house, police claimed to have found 9 leaflets by the outlawed Islamist organization Hizb ut-Tahrir, 28 bullets, and narcotics. Relatives reported that the police had planted the contraband. Ruzimuradov was not granted access to a lawyer and his family members were not informed of his whereabouts. An official investigation of his death concluded that Ruzimuradov committed suicide; nonetheless sanctions were ordered against four officers, including the dismissal of one officer, for mishandling Ruzimuradov's detention.

On October 16, in Tashkent, police arrested two brothers, Ravshon and Rasul Haitov, on suspicion of Hizb ut-Tahrir membership. On October 17, police returned the body of Ravshon Haitov to his family, which showed clear signs of torture; authorities informed the family that he had died of a heart attack. His brother Rasul was beaten so severely that he became an invalid. The authorities reported that within 24 hours four police officers (two majors, a captain, and a lieutenant) had been placed under indictment and the Tashkent city procurator had opened a criminal investigation into the matter.

There were no investigations into nor action taken in the following 2000 cases of deaths in custody allegedly as a result of torture or other mistreatment: Hazratkul Kudirov and Amanullah Nosirov in December, Shukhrat Parpiev in May, and Rulam Norbaev and Nagmut Karimov in March.

In 2000 in an open letter to the President, 33 Tashkent residents protested the military hazing death of Dmitriy Popov, a recruit who suffered from heart problems. Senior soldiers allegedly beat Popov in June 2000. The HRSU commented that such deaths were not uncommon in the military. Military prosecutors brought a criminal case against five soldiers who allegedly participated in the beating; in November 2000, the five were sentenced to several years each in prison.

During and after the armed incursions of August and September 2000, military forces laid mines on the border with Tajikistan and Kyrgyzstan. The Ministry of Defense asserted that all minefields were marked clearly and that it had informed the Tajik and Kyrgyz Governments of their locations. However, there were at least 20 civilian deaths during the year from landmine explosions.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year.

Bakhodir Khasanov, an instructor of French at the Alliance Francaise whom security forces refused to acknowledge was in their custody in 2000, was sentenced to a long prison term (see Section 2.c.).

There were reports during the year that Imam Abidkhon Nazarov, who widely was believed to be missing since March 1998, actually had fled the country to avoid arrest and had not been abducted by security forces.

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

Although the law prohibits these practices, both police and the NSS routinely tortured, beat, and otherwise mistreated detainees to obtain confessions, which they then used to incriminate the detainees. Police also used suffocation, electric shock, rape, and other sexual abuse. Neither the severity nor frequency of torture appeared to have decreased during the year.

In December 2000, Human Rights Watch released a report on torture in the country that detailed dozens of allegations of torture based on interviews with victims and their families. The report claimed that the number of allegations and the brutality of torture were increasing. The most common torture techniques were beating, often with blunt weapons, and asphyxiation with a gas mask. There were numerous unverifiable reports of interrogators raping detainees with objects such as bottles, and of threatening to rape both detainees and their family members.

On June 30, Human Rights Society of Uzbekistan (HRSU) member Elena Urlaeva walked out of a clinic where she had been subject to involuntary psychiatric detention and treatment (see Section 1.d.). On November 6, a final appeals court overturned the order that Urlaeva undergo forced psychiatric treatment.

On July 7, human rights activist Shovruk Ruzimuradov died in police custody allegedly after police tortured him (see Section 1.a.).

On October 18, police killed Ravshon Haitov, and beat his brother Rasul severely; Rasul is an invalid as a result of the beating (see Section 1.a.).

On October 23, the National Security Service arrested poet and opposition political party member Yusup Jumaev. On December 29, Jumaev was released; there were rumors that high-level government officials were displeased that local officials detained him. Jumaev credibly denied reports from other sources that he had been beaten and tortured (see Section 1.d.).

Although it is routine for police to beat confessions out of detainees, anecdotal evidence suggests that those suspected of Islamist political sympathies (sometimes only because of their piety) are treated more harshly than criminals (see Section 2.c.). There also were reports that on at least two occasions police beat members of Jehovah's Witnesses (see Section 2.c.).

Defendants in trials often claim that their confessions on which the prosecution based its cases were extracted by torture (see Section 1.e.). For example Imam Abdulvakhid Yuldashev, convicted in April of organizing an underground Islamic movement stated in court that investigators had beaten him and burned his genitals in

order to extract confessions during detention. Fifteen members of Hizb ut-Tahrir, who were convicted of anticonstitutional activity in September 2000, alleged during their trial that they had been tortured during pretrial detention. According to those attending the trial (international monitors were barred from the courtroom), the defendants alleged that guards and interrogators had used beatings and electric shocks, and had forced them to sign blank statements. Several defendants alleged that guards had raped them. In a March 2000 trial, 12 members of Hizb ut-Tahrir, including Haffezullah Nosirov, alleged that authorities tortured them to get confessions (see Section 1.e.)

Police forcibly disrupted some protests by Muslim women, in at least one case injuring some of the protesters (see Section 2.b.).

Police at times arrested and beat family members of suspects they were seeking (see Sections 1.d., 1.f., and 2.c.).

Writer Mamadali Makhmudov, who reported being tortured in 2000, remained in prison and was reported to be in poor health. According to NGO reporting, he was transferred several times during the year between strict penal facilities and prison hospital facilities.

Prison conditions were poor, and worse for male than for female prisoners. Prison overcrowding was a problem. Human rights activists reported that the incarceration of 10 to 15 persons in cells designed for 4 is common. Tuberculosis and hepatitis are epidemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there are severe shortages of food and medicines, and prisoners often rely on visits by relatives to obtain both. Pretrial detainees are held separately from those convicted of crimes. Males and females are housed in separate facilities. Juveniles are held separately from adults.

Brutal treatment by guards and an especially harsh and polluted desert environment reportedly made conditions at Jaslik prison the worst in the country; however, in 2000 human rights observers learned from witnesses that conditions in Jaslik had improved substantially. According to the family members of prisoners, authorities at Jaslik also made some improvements prior to the visit of the ICRC during the spring. According to the Committee for the Legal Assistance of Prisoners, there are between 500 and 800 inmates at Jaslik. Although the law allows all prisoners to have occasional family visitors, the remoteness of Jaslik makes such visits rare and difficult.

The Government also operates labor camps, where conditions of incarceration have been reported to be less severe than in prisons. There are six types of prison and camp facilities, including pretrial detention facilities for adults.

An amnesty signed by the President on the occasion of the country's September 1 Independence Day promised the release of 25,000 prisoners and the reduction in sentences of an additional 25,000 prisoners. In his speech announcing the amnesty, the President admitted that authorities regularly violated the rights of prisoners and that sentences were too harsh.

In a separate statement in August, the president for the first time said that the amnesty would include 1,000 individuals who had been convicted of crimes against the Constitution (almost all of whom were jailed on suspicion of Islamic extremism). By year's end, the Government claimed that a total of 28,000 prisoners had been released, including 860 convicted of crimes against the Constitution. Human rights groups independently estimated the latter figure to be approximately 800 (out of 2,600 convicted of such charges in the past 3 years) and generally accepted the total figure of 28,000. Human rights groups estimated that the total included also at least one third of the other 4,400 to 4,900 individuals who had been arrested since early 1999 on suspicion of Islamic extremism but convicted of other crimes. Prisoners convicted of crimes against the Constitution and sentenced to terms greater than 6 years were not eligible for the amnesty. Those released were required to repent for their alleged crimes.

In January the Government signed and implemented an agreement allowing the ICRC access to convicted prisoners; however, in May the ICRC suspended its visits and complained that government officials were failing to provide access to pretrial detention facilities. At year's end, the Government and the ICRC still were negotiating on the terms of the agreement.

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

Security forces continued to arrest and detain individuals arbitrarily, without warrants or just cause. The 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 detained person must be declared officially a suspect, and charged with a crime, or be released. A

person officially declared a suspect may be held for an additional 3 days before charges are filed. A prosecutor's order is required for arrests, but not for detentions, prior to the filing of charges. In practice these legal protections frequently are ignored. In some cases, police circumvent the rules by claiming that the detainee is being held as a potential witness and not as a suspect; there are no regulations concerning the length of time witnesses may be detained. A court date must be set within 15 days of arrest (or filing of charges) and the defendant may be detained during this period. A defendant has a right to counsel from the moment of arrest, but in practice access to counsel is very often denied. Once the trial date is set, 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; however, in practice this procedure rarely is used. During the period between arrest and trial, defendants almost always are kept in pretrial detention, which has been known to last as long as 2 years.

In ordinary criminal cases, the police generally identify and then arrest those reasonably suspected of the crime; however, both the police and the NSS are far less discriminating in cases involving perceived risks to national security. There were continued reports that authorities arrested and detained Muslims associated with nongovernment-approved Islamic groups, who were perceived as a threat by the Government, on charges of belonging to radical Islamic organizations (see Section 2.c.).

It is common government practice to arrest, detain, and mistreat both immediate and extended family members of those the Government has targeted (see Section 1.f.). For example, on March 17, police detained Rahima Akhmadalievna while searching for her husband, independent Imam Ruhiddin Fahrudinov. Akhmadalievna was held for 2 months without charges, before being charged with possessing unapproved Islamist literature. She allegedly was denied medication for a heart problem and was denied sleep in an effort to force her to reveal her husband's whereabouts. Her 19-year-old daughter Odina Makhsudova, who visited her mother on March 20, also was detained briefly. Makhsudova alleged later that police were verbally abusive to her and her mother and forced them to remove their headscarves. She quoted police officials as saying that her mother would be freed as soon as her father turned himself in. On September 21, Akhmadalievna was convicted of anticonstitutional activities and sentenced to 7 years in prison.

Police routinely planted narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes. The most frequent victims of this practice were suspected members of Islamist organizations such as Hizb ut-Tahrir, who usually were ultimately sentenced to between 15 and 20 years in prison (see Section 1.e.). For example, on June 15, Interior Ministry police searched the home of human rights activist Shovruk Ruzimuradov and planted bullets and Hizb ut-Tahrir leaflets in the house; he later died while in custody (see Section 1.a.).

The authorities continued to arbitrarily arrest and detain human rights activists. For example, the authorities have attempted to silence human rights activists who criticize government repression of religious Muslims and others. On April 26, militia detained human rights activist Mahbuba Kasimova for 3 hours and questioned her about her attendance at trials of "religious persons" and her contacts with relatives of defendants. The officers warned her to cease her human rights monitoring activities. Human rights activist Ismail Adilov was released from jail on July 3; he had been arrested in July 1999, after police allegedly planted 100 Hizb ut-Tahrir leaflets among his effects to justify the arrest. Adilov was not known to be religious. On September 5, police detained and questioned Tulkin Karayev, the HRSU regional representative for Kashkadarya, after he attended a protest by mothers and wives of jailed Muslims (see section 2.b.). According to Karayev, police accused him of organizing the protest and of having ties to Osama bin Laden. Karayev reported other instances of police surveillance throughout the year, as well as one visit to his home on August 31. Karayev stated that the police officer who had visited his home apologized later.

Police continued to arbitrarily arrest and detain members of political opposition groups. For example, on October 23, the National Security Service (SNB) detained Yusup Jumaev, a notable Uzbek poet and Birlik activist, on charges of committing crimes against the Constitution. Jumaev had written articles involving the beating of prisoners, closed court hearings, and other human rights abuses earlier in the year. Jumaev's wife and lawyer were permitted to visit him, and on December 29, Jumaev was released in compliance with a court order.

Following fighting with the IMU in 2000, the Government forcibly resettled five villages in the Surkhandarya and detained most of the men in those villages in an effort to find those who may have collaborated with the IMU (see Section 2.d.). Most of the men were released later, although 73 were tried and convicted for crimes against the Constitution and aiding terrorists.

Police arrested and detained some peaceful protestors during the year (see Section 2.b.).

On April 6, police detained Elena Urlaeva and kept her against her will at a Tashkent psychiatric clinic to

prevent her participation in a public protest. On April 10, the Mirabad district court ordered her to undergo a month of involuntary psychiatric treatment. Reportedly doctors made her sign a statement saying that she was undergoing treatment of her own free will. On October 19, an appeals court overturned the lower court ruling that had ordered Urlaeva to undergo involuntary psychiatric treatment.

Uzbek Imam Khadji Khudjaev, who was arrested by Russian police in August 2000 and extradited to Uzbekistan in November 2000, remained in jail at year's end. Imam Khudjaev was accused of involvement in the February 1999 Tashkent bombings.

Bakhodir Khasanov, an instructor of French at the Alliance Francaise, whose brother was an Islamist, was detained and held incommunicado in July 2000, and was sentenced to a long prison term.

In general the Government does not hold political detainees indefinitely, but brings them to trial eventually. Because there is no free press or public record of arrests, it is not possible to determine the number of political or other detainees awaiting trial. Estimates by human rights activists usually are in the range of several thousand; political detainees reportedly do not represent a large share of that number. The Government and the ICRC have not yet agreed on visits to pretrial detainees and in May the ICRC suspended all other prison visits (see Section 1.c.).

In September the Parliament passed several amendments to the Criminal and Civil Code, the Criminal Procedure Code and the Law on the Procuracy, in order to lessen the abuses suffered by those arrested and to ensure that sentences are more equitable. The Parliament also approved a law on the Procurator's Office and a law on the enforcement of court rulings, both of which were implemented by year's end. The Parliament established a commission composed of members of the Parliament and prominent lawyers to review and possibly amend the bills passed by the Parliament and publish them as law. The Parliament passed several judicial reform measures in 2000, which were implemented during the year, aimed at making the criminal justice system more adversarial and to reduce the power of the procuracy, among other items; those reforms have had some limited success, according to legal professionals.

Neither the Constitution nor the law explicitly prohibit forced exile; however, the Government does not use it. Government harassment of members of the Birlik movement and the--Erk Party--both political opposition groups, drove the leaders of these organizations, including Mohammed Solikh of the Erk Party and Abdurakhim Polat of the Birlik Movement into voluntary exile in the early 1990's (see Section 3). The chairman of the HRSU, Abdumannob Polat, also lives in voluntary exile (see Section 4).

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, 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 5-year terms. Power to remove judges rests with the President; removal of Supreme Court judges must also be confirmed by Parliament. Judges may be removed for crimes or failure to fulfill their obligations.

Courts of general jurisdiction are divided into three tiers: district courts, regional courts, and the Supreme Court. In addition a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts at the regional level that handles economic cases between legal entities.

Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. The Government reduced the list of crimes punishable by death to murder, espionage, and treason, eliminating the economic crimes that were punishable by death in the former criminal code. Officially 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. Many trials of alleged Islamist extremists have been closed. International trial monitors or foreign diplomats only rarely are permitted to observe court proceedings.

State prosecutors play a decisive role in the criminal justice system. They order arrests, direct investigations, prepare criminal cases, and recommend sentences. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. There is no protection against double jeopardy. Judges whose decisions have been overturned on more than one occasion may be removed from office; consequently, judges rarely defy the recommendations of prosecutors. As a result, defendants almost always are found guilty. Senior officials have acknowledged the overwhelming power of the prosecutors, and there have been some steps to encourage greater independence by both judges and defense lawyers; however, progress has been very limited. Reform legislation passed in August and implemented in

the fall aims to reduce the power of prosecutors.

Trials generally are by a panel of three judges: one professional judge and two lay assessors who serve 5-year terms and are selected by either workers' collectives' committees or neighborhood (mahalla) committees. The judge presides and directs the proceedings; however, in practice, judges often defer to the Government and its prosecutors on legal and other matters. Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The State provides legal counsel without charge, but by law the accused also has the right to hire an attorney. In practice the right to an attorney of choice often is violated and there are numerous examples of denial of this right. Although at a minimum the state does seem to provide counsel at least during the trial stage; however, there are numerous examples of denial of this right to counsel at other stages of the legal process.

The Government does not announce trial dates, although such information is available to families and the public at courthouses. International observers generally are allowed to attend trials, although at times it can be difficult to persuade individual judges to allow access. Defendants often claimed that the confessions on which the prosecution typically based its cases were extracted by torture (see Section 1.c.). Judges ignored these claims and invariably convicted the accused, often handing down severe sentences--usually from 15 to 20 years' imprisonment. Lawyers may, and occasionally do, call on judges to reject such confessions and to investigate claims of torture. In October authorities, for the first time, opened an investigation into a case of torture by police officers (see Section 1.a.). In September more than 70 persons were sentenced to prison for allegedly participating or abetting armed incursions by Islamic militants.

On September 19, nine alleged members of banned Islamic political party Hizb ut-Tahrir were convicted of anticonstitutional activities. The judge, in sentencing the nine, specifically accused them of having ties to Osama bin Laden, a charge for which no credible evidence had been produced. The charge mirrored accusations made against many other alleged Islamists following the September 11 terrorist attacks in the United States. During the trial, the defendants claimed that the police used unlawful methods of investigation, including physical torture and psychological pressure.

Prosecutors in 1999 and 2000 brought charges against at least 140 persons in connection with 1999 terrorist bombings in Tashkent. All of those tried were convicted and 20 were executed. Several individuals were tried and convicted in absentia. During 1999 and 2000, many other individuals were convicted of terrorism. Authorities alleged that most had ties with the Islamic Movement of Uzbekistan (IMU), a terrorist organization.

In August a criminal court tried a group of prisoners within the confines of Tashkent's No. 1 prison. Neither family members nor observers were allowed to attend the proceedings. There have been no other reports of a trial being held under such conditions.

In practice most defense lawyers are unskilled at defending their clients and judges rarely give lawyers the opportunity to defend their clients. For example, in the October trial of four members of Hizb ut-Tahrir, defendants were convicted on the testimony of two witnesses: one witness misidentified the defendants and the other reportedly did not know the defendants. Only one defense witness--a character witness--was allowed. Although all four defendants admitted membership in Hizb ut-Tahrir, all denied having committed the specific anticonstitutional activities of which they were accused. The court produced no evidence of guilt, other than the witness testimony. The prosecutor was present only for one of the five sessions where he read the accusations; he was not present for the verdict. This is standard prosecutorial practice. In other cases, defendants accused police of having coerced confessions, and the confessions were permitted to stand.

The Constitution provides a right of appeal to those convicted; however, in the past such proceedings have been formalistic exercises that confirm the original conviction. For example, the appeal of Imam Abdurakhim Abdurakhmanov on August 8, 2000 lasted only 20 minutes, the judge did not permit testimony, and Abdurakhmanov was not allowed to be present at the appeal. However, in November human rights activist Elena Urlaeva won an appeal against a lower court ruling, which had ordered her to undergo psychiatric treatment (see Sections 1.c. and 1.d.).

The authorities arrested, mistreated, and tried unfairly relatives of suspects and members of opposition groups (see Sections 1.d., 1.f., and 2.c.).

During the year, the Organization for Security and Cooperation in Europe (OSCE) conducted training on international human rights standards. Three hundred procurators, investigators, judges, and lawyers from around the country participated as well as several human rights activists.

In October the Moscow based human rights group Memorial published a credible list of over 2,600 individuals

arrested and convicted from January 1999 through August 2001 for political opposition, suspected Islamic extremism, or suspected terrorism. Most were convicted under Article 159--crimes against the Constitution. Human rights groups believe that another 4,400 - 4,900 such individuals were being held after conviction for other alleged crimes, such as narcotics possession and tax evasion. Of the total figure of 7,000 to 7,500, a very tiny minority may have been involved in terrorism-related activities, while only approximately 200 were arrested for political activities; the remainder were arrested on suspicion of Islamic extremism. At year's end, more than 2,000 were released under a general amnesty (see Section 1.c.). In many of these cases evidence was planted; in all cases of suspected Islamic extremism, this was a particularly prevalent practice.

In September 2000, the Chairman of the Supreme Court claimed that there were 2,000 persons in jail for crimes against the State. At the same news conference the Minister of Justice explicitly rejected the notion that these or any other prisoners could be classified as "political" on the grounds that all had been tried and convicted of crimes; however, nearly all of the convictions were based on forced confessions, which makes it impossible to determine what percentage of those convicted actually violated the law. In addition the alleged "crimes" include such political acts as criticism of the Government and holding beliefs that the Government defines as extremist.

In January the Government signed and implemented an agreement allowing the ICRC access to convicted prisoners; however, in May the ICRC suspended its visits, complaining that government officials were failing to provide access to pretrial detention facilities. At year's end the Government and ICRC still were negotiating the terms of the agreement.

#### a. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the person and provides that persons may be taken into custody only on lawful grounds. Article 27 also prohibits unlawful searches; however, authorities infringed on these rights. The law requires the issuance of a search warrant by the Procurator for Electronic Surveillance; however, there is no provision for a judicial review of such warrants. Security agencies routinely monitor telephone calls and employ surveillance and wiretaps in the cases of persons involved in opposition political activities (see Sections 1.d. and 4). For example, family members of missing Andijon Imam Abdu Kori Mirzaev reported that they were harassed and kept under constant surveillance during the year (see Section 1.b.). Mirzaev's son, who lives in a remote location, had his telephone line cut during the year.

The Law on Freedom of Conscience and Religious Organizations and other legislation prohibits the private teaching of religion and forbids the wearing of religious clothes. Students who in 1997 and 1998 were expelled from schools for wearing religious dress were not allowed to reenroll during the year (see Section 2.c.).

Police arrested, detained, and beat family members of suspects whom they were seeking (see Sections 1.c, 1.d., and 2.c.). Authorities also frequently forced relatives of alleged religious extremists to undergo public humiliation at neighborhood assemblies organized for that purpose. For example, after his June 2000 conviction, Abduvahid Yuldashev's wife claimed that when she turned to her mahalla committee for help after her husband was arrested, she was subjected to a mock trial and subsequently ostracized.

In August 2000, the mother of IMU leader Juma Namangani was summoned to a school auditorium where an assembly of neighbors confronted her. Relatives of soldiers killed in the insurgency insulted her and smeared her face with black paint. Local leaders shamed her for bringing Namangani into the world until she tearfully apologized and cursed her son.

The Government interferes with correspondence. For example, Nosir Zakhir reported that on July 4, he received at his Namangan home an invitation from a foreign embassy to attend an event. The invitation, which had been mailed on May 28, was delivered opened. Zakhir, who is a Radio Liberty reporter and a member of both the Birlik opposition party and the Human Rights Society of Uzbekistan (HRSU), reported that this sort of interference is common. Customs officials opened and confiscated some mail based on its content during the year (see Section 2.a.).

Mytabar Atababaevoi, an HRSU member and a lawyer who had advocated on behalf of jailed activist and former Parliamentarian Meli Kobilov, reports that the prosecutor forced her to move nine times in a 10 month period. The local procurator's office also forbade her homeless daughter and two grandchildren to live with her, apparently on fabricated legal technicalities.

Following fighting with the IMU in 2000, the Government forcibly resettled five villages in the Surkhandarya region (see Section 2.d.).



## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of thought, speech, and convictions; however, the Government continued to restrict these rights severely. While the Constitution prohibits censorship, it is widely practiced and the Government tolerates little, if any, criticism of its actions. The law limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the Government in public.

In March 2000, police confiscated six copies of the Uzbekistan chapter of the 1999 Human Rights Watch World Report from a Human Rights Watch representative who was observing the trial of 12 men on trial for membership in Hizb ut-Tahrir (see Section 1.d.). According to an international NGO, the presiding judge at the trial characterized the distribution of the report as the clandestine distribution of leaflets. In November 2000, customs authorities confiscated several copies of the journal of the unregistered Birlik Democratic Movement that had been mailed to a private citizen on the grounds that the material was illegal and anticonstitutional. In the same month, customs officials opened mail sent from Human Rights Watch's New York office to its Tashkent office and confiscated several copies of a published list of political and religious prisoners in Uzbekistan compiled by the Moscow-based human rights organization Memorial. In explaining the confiscation, a representative of the Ministry of Foreign Affairs told Human Rights Watch that it objected to the content of the Memorial report. There were no similar cases reported during the year.

The Mass Media law formally provides for freedom of expression, protects the rights of journalists, and reiterates the constitutional ban on censorship; however, several articles of the law, and the lack of due process provided for in their implementation, allowed the Government to use the law to silence critics. According to the law, journalists are responsible for the accuracy of the information contained in their news stories, which potentially subjects them to prosecution. The law prohibits stories that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see Section 2.b.).

The Mass Media law established the Interagency Coordination Committee (MKK), which issues broadcast and mass media licenses to approved media outlets. In October 2000, a new law changed the term of validity of the broadcast licenses from 1 year to 5 years; however, mass media licenses, which also are a requirement, still must be renewed yearly. The MKK is empowered to revoke licenses and close media outlets without a court judgment. Another government agency, the Center for Electromagnetic Compatibility (TSEMS), issues frequency licenses. Television stations often encounter difficulty obtaining licenses.

There are no private publishing houses, and government approval is required for all publications. Newspapers generally are printed by state-owned printing houses, which refuse to print any edition that does not bear the prior approval of the Committee for the Protection of State Secrets. As a result, journalists who wish to ensure that their work is published practice self-censorship. The Committee assigns censors to each newspaper to review all stories. In other parts of the country, the censors have offices at the state printing presses. The Committee also has the right to review wire service news reports of television and radio stations prior to broadcast. Urgench newspaper, which was closed in 2000, remained closed at year's end. Religious writings must be approved by the Religion Committee censor, which is regarded as being quite strict (see Section 2.c.).

Information remains very tightly controlled. The Uzbekistan Information Agency cooperates closely with the presidential staff to prepare and distribute all officially sanctioned news and information. Nearly all newspapers are organs of government ministries. There are approximately 20 state-owned national newspapers printed in Uzbek or Russian. Readership of national dailies was just over 300,000; newspapers are too expensive for most citizens, with an average cost of 4 to 12 cents (50-150 soums). All dailies are owned by the state or by entities closely associated with the state (such as the muftiate). 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. A handful of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content, are allowed to operate without censorship. There are two national independent newspapers, Novosti Nedelya and Vremya I Mi. Both are affiliated with the Turkiston Press News Agency. The last opposition newspaper to be published was that of the Erk Democratic Party; the newspaper has been banned within the country since 1993 but is published sporadically abroad.

The Government does not allow the general distribution of foreign newspapers and other publications; however, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications are available. A modest selection of other foreign periodicals is available in Tashkent's major hotels, and authorized groups can obtain foreign periodicals through subscription.

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 means of most citizens. There are between 30 and 40 privately owned local television stations and 7 privately owned radio stations. In general broadcasters practice self-censorship but enjoy some ability to report critically on local government. For the most part, television programming consists of rebroadcasting Russian programming.

The Government's implementation of the media law does not function smoothly and the enforcement of the registration and licensing requirements can be strict. Because the registration committee meets irregularly, up to one half of independent television stations have been forced at times to operate with expired licenses, making them vulnerable to government closure. For example, a television station that was closed by the interagency commission in 1999 had not been permitted to reopen by year's end. Officials claimed that the station did not meet technical requirements for re-licensing and that there was no political element to the closing. Foreign observers noted that the station was among the most independent in the country and interpreted the closing as a warning to other broadcasters to be careful of their content. Shukhrat Babajanov, an activist with the ERK party and the owner of ALC, a station in Urgench that also has been prohibited from reopening, unsuccessfully sued the Government in 2000 for damages resulting from the station's closing. ALC had also lost its registration temporarily in 1997, allegedly for technical violations of regulations. ALC-TV has been closed four times since 1995. ALC was closed in 1999 on the eve of national parliamentary and presidential elections. In the past, Babajanov and his former employees have been subjected to harassment and veiled threats by police. On June 28, authorities again denied a license to ALC. On July 28, Babajanov received a summons to appear before a prosecutor on criminal charges of forgery. Although the charges were related to a 10-year-old USSR Union of Artists application, Babajanov decided to leave the country.

During the year, several independent television stations had problems renewing their licenses or exercising their legal right to control their stations' operations. In one case, a station's report on the plight of homeless persons, including veterans of the Afghanistan war, embarrassed the local governor; the governor of the neighboring province, in which the station's transmitter was located, promptly informed the station manager that he was fired. The manager protested that the Government had no legal right to decide who would manage the private station. The station was attempting to resolve the dispute at year's end. In another case, aggressive reporting led to a long struggle by one successful independent station to have its broadcasting and bandwidth licenses renewed. The station obtained its broadcasting license but still was waiting for approval of its bandwidth license at year's end.

The Government has arbitrarily denied the registration application of an independent professional association of private radio and television broadcasters at least seven times reportedly for the association's failure to elect the Government candidate as chairman. Ministry of Justice officials reportedly advised the group privately that it never would be registered. The lack of registration effectively restricts the association's ability to attract international funding and operate freely and legally.

Radio Free Europe/Radio Liberty and the Voice of America are not permitted to broadcast from within the country, despite the Government's longstanding contractual agreement with Radio Free Europe/Radio Liberty to allow this activity. The Government does allow either organization to have correspondents in the country but both stations broadcast from outside of the country, using short-wave frequencies. The BBC World Service was required to broadcast on a very low FM frequency that most radios would not be able to receive, and then only after the BBC had agreed to restrictions that amounted to self-censorship; however, observers agree that there is no evidence that the BBC actually has engaged in self-censorship. The World Service is permitted to broadcast only 2 hours per day: two 30-minute broadcasts per day in Uzbek, and two 30-minute broadcasts per day in Russian, 7 days a week.

At times journalists are subject to threats, harassment, and mistreatment by authorities. On May 7, authorities refused to renew the press accreditation of Maria Kozlova a stringer for United Press International. Kozlova claimed in April that an official in the Foreign Ministry Press Office had warned her to avoid demonstrations being held by relatives of imprisoned Muslims in front of the Hokim's office. Kozlova attended the demonstrations and filed stories on the confinement of human rights activist Elena Urlaeva in a psychiatric hospital. Kozlova received her accreditation a week later. On June 16, Asadulla Ortikov, a member of HRSU and of Union of Independent Journalists (UIJ), was threatened with arrest for criticizing government officials. Orifhon Alimakhsumof, who owns his own television station, was arrested and tortured after criticizing President Karimov over the arrest of many youths for alleged anticonstitutional activities. Alimakhsumof later was released.

All Internet service providers have been required to route their connections through a state-run server, Uzpak, in order to prevent the transmission of what the Government considers harmful information, including material

advocating or facilitating terrorism, material deemed hostile to the constitutional order, and pornography. The Government has issued regulations and taken technical steps to filter access to content that it considers objectionable. Despite these restrictions, the availability of Internet access has expanded as the number of service providers and Internet cafes has grown. The Birlik opposition political party maintains an Internet site, which is highly critical of the Government. The Government refrained from blocking or otherwise interfering with the site.

The Government has granted academic institutions a degree of autonomy, but freedom of expression remained limited. University professors generally are required to have their lectures or lecture notes approved before the lectures are given; however, implementation of this restriction varies. Self-censorship amongst university professors occurred.

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

The Constitution provides for the freedom of peaceful assembly; however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds, and in practice the Government restricted the right of peaceful assembly. The Government must approve demonstrations and does not routinely grant permits to demonstrators.

Throughout the year, groups of Muslim women, typically mothers and wives of jailed Islamists, attempted to stage protests at municipal offices around the country but often were prevented, at times forcibly, from doing so. On March 21, at the office of the Andijon Hokimat (local governor), between 200 and 300 Muslim women and children protested the imprisonment of their relatives for anticonstitutional activities. Police arrested 3 women during the protest and detained them for 1, 3, and 20 nights in jail respectively. When the women tried to assemble again on March 23, police reportedly ordered many of them onto waiting buses. Human rights activists in Andijon reported that in August, a special team arrived from the presidential staff to investigate the complaints of the women involved in the demonstrations; they specifically addressed demands that the Government grant an amnesty to their jailed relatives.

On April 12, police violently broke up a protest in Tashkent of Muslim women; the police used batons, which resulted in numerous injuries. There also was one arrest, but the woman later was released. In the wake of that protest the police typically have detained protesters before any protests could occur. On July 2, approximately 1,000 Muslim women attempted to gather near the Tashkent City Hokim, but uniformed police and plainclothes security officers forcibly rounded up and removed the women. The women were relatives of persons accused of anticonstitutional activities who had intended to present an appeal to the Hokim for the release of their family members. Authorities temporarily refused to renew the accreditation of foreign journalists covering the event (see Section 3). In September, following a similar demonstration, 64-year-old Fatima Mirhatieva was arrested, tried, and convicted. She received 3 years of community service but later was granted amnesty.

On September 4, protests with 10 to 100 participants were held in Qarshi, Yangiyul, and Tashkent. In all three cities, the police appeared to have had advance knowledge of the protests and briefly detained the protesters, who were relatives of the alleged Hizb ut-Tahrir members in prison.

On March 7, ten Tashkent residents gathered in front of the Hokimiat (Mayor's Office) to protest city authorities evicting them and razing their homes in order to build a new road. Local authorities did not restrict the demonstration.

On a few occasions, authorities detained persons to prevent them from attending protests (see Section 1.d.)

The Constitution provides for the right of freedom of association; however, the Government restricted this right in practice. The Government refuses to register opposition political parties and movements. 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 by foreign legal observers concluded that, while the Law on Political Parties provides theoretical protections for minority parties and permits a wide range of fundraising, it also gives the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. There are four registered political parties, all controlled by the Government (see Section 3).

In the past, the Government repeatedly denied attempts by the Birlik Movement and Erk Party to register. Harassment by security forces drove the leaders of these organizations into voluntary exile in the early 1990's (see Section 1.d.). These organizations made no attempt to register during the year, reportedly because their remaining adherents were afraid of government reprisals.

The Constitution and the law ban parties of an ethnic or religious nature. In the past, the authorities, citing these statutes, have denied registration to the Islamic Renaissance Party (IRP). In the early 1990's, opposition activists announced the formation of the religious Adolat-True Path Party but never pursued formal registration, claiming that their members were afraid of government reprisals. Some members and leaders of IRP and Adolat-True Path chose, or were forced, to flee abroad. The core of the Islamic Movement of Uzbekistan (IMU), which has waged an armed insurrection since 1999, was formed in large part from these elements.

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. In the past, officials have 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.

In the past the Government refused to register the two principal independent human rights organizations, the Human Rights Society of Uzbekistan (HRSU) and the Independent Human Rights Organization of Uzbekistan (IHROU). During the year, neither group submitted a renewed application. The IHROU reported that the Government repeatedly had denied all previous attempts based on bureaucratic technicalities. The HRSU, citing similar concerns, nonetheless held a founding congress--for a second time--and was preparing a renewed application packet at year's end. The Government had not changed its often-stated stance that both groups enjoyed de facto registration. Human rights observers and international observers have verified that this de facto registration falls far short of offering these organizations adequate protection. During the year, government officials initiated numerous investigations into the activities of human rights activists on the grounds that their organizations were not registered and their activities were therefore illegal. The Government has approved the registration of only one human rights NGO, the Committee for Protection of Individual Rights (CPRI), which was formed with government support in 1996 (see Section 4).

The process for government registration of NGO's and other public associations also is 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 do not exist as legal entities and have no real access to the media or government. A 1999 law on nongovernmental, noncommercial organizations provides for simpler registration requirements; while implementing regulations had not been passed by year's end, NGO's reported that registration had become easier.

Nonpolitical associations and social organizations usually may register, although complicated rules and a cumbersome government bureaucracy often make the process difficult. Some evangelical Christian churches and the Jehovah's Witnesses found it difficult to obtain registration (see Section 2.c.). The Government has refused to register an association of broadcasters formed in 1998 (see Section 2.a.).

### c. Freedom of Religion

The Constitution provides for freedom of religion and for the principle of separation of church and state; however, in practice the Government restricted this right. The Government perceives Islamist activity outside the state-sponsored mosques as an extremist security threat and outlaws it. During the year, the Government harassed, arrested and detained, and otherwise mistreated hundreds of alleged members of such groups; such persons typically are sentenced to between 15 and 20 years in jail. Russians, Jews, and foreigners generally enjoy greater religious freedom than traditionally Muslim ethnic groups, especially ethnic Uzbeks. Christian churches generally are tolerated as long as they do not attempt to win converts among ethnic Uzbeks. The religion law forbids or severely restricts activities such as proselytizing and importing and disseminating religious literature.

The Government is secular and there is no official state religion. Although the laws treat all religions equally, the Government shows its support for the country's Muslim heritage by funding an Islamic university and subsidizing citizens' participation in the Hajj. The Government promotes a moderate version of Islam through the control and financing of the Spiritual Directorate for Muslims (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials.

The Law on Freedom of Conscience and Religious Organizations restricts religious rights that are judged to be in conflict with national security, prohibits proselytizing, bans religious subjects in public schools, prohibits private teaching of religious principles, forbids the wearing of religious clothing in public by anyone other than clerics, and requires religious groups to obtain a license to publish or distribute materials; however, in practice, the authorities enforce this law disparately. A series of revisions to the Criminal and Civil Codes in 1998 stiffened the penalties for violating the religion law and other statutes on religious activities. It provided for 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. Thousands of individuals were arrested and convicted between 1999 and year's end for participation in banned Islamic groups, particularly the Hizb ut-Tahrir.

Amendments to the Criminal Code in 1999 drew a distinction between "illegal" groups, which are those that are not registered properly, and "prohibited" groups, which are banned altogether. One of the amendments makes it a criminal offense punishable by up to 5 years in prison to organize an illegal religious group or to resume the activities of such a group (presumably after being denied registration or being ordered to disband), and punishes any participation in such a group by up to 3 years in prison. The second amendment sets out penalties of up to 20 years in prison and confiscation of property for "organizing or participating" in the activities of religious extremist, fundamentalist, separatist, or other prohibited groups. In practice the courts ignore the theoretical distinction and frequently convict members of disapproved Muslim groups under both statutes.

The Religion Law requires all religious groups and congregations to register and provides strict and burdensome criteria for their registration. In particular it stipulates that each group must present a list of at least 100 Uzbek citizen members (compared with the previous minimum of 10) to the local branches of the Ministry of Justice. This provision enables the Government to ban any group simply by denying its registration petition. Government officials designed the law to target Muslims who worship outside the system of state-organized mosques.

As of November 1, the Government had registered 2,035 religious organizations and congregations, 1,857 of which were Muslim; however, some religious groups continued to face obstacles obtaining registration. During the year, 10 Jehovah's Witness congregations in the country were refused registration; only 2 Jehovah's Witness congregations were registered. The Government's Committee on Religious Affairs (CRA) denied the Greater Grace Christian Church of Samarkand permission to have a Finnish rather than Uzbek pastor; the church's application for registration remained blocked at year's end pending resolution of that issue. In Tashkent the Agape mission Church has faced prolonged difficulty registering, despite the fact that it meets all legal requirements for registration. The church's pastor reports that he was told by the regional governor that the country already had too many churches. Local authorities have blocked the registration of Baptist congregations in Gazalkent, Guliston, Andijon, and Novy Zhizn. The deputy mayor of Gazalkent allegedly told church leaders that their application might be approved if they removed from the church's membership list all names of ethnic-Uzbek origin. In December 2000, the Baptist congregation in Guliston was denied registration, ostensibly on the grounds that its proposed church was in a residential area.

Christians who are ethnic Uzbeks are secretive about their faith and rarely attempt to register their organizations. Christian congregations that are of mixed ethnic background are reluctant to list their ethnic Uzbek members on registration lists due to fear of incurring official displeasure. Since the law prohibits participation in unregistered groups, some minority churches have not submitted registration applications because they know that they are unable to comply with the law's requirements and prefer not to identify themselves to the authorities. Although church leaders cite high registration fees and the 100-member rule as obstacles to registration, the most frequent problem is the lack of an approved legal address, which is required in order to submit an application. Some groups have been reluctant to invest in the purchase of property without assurance that the registration would be approved. Others claim that local officials arbitrarily withhold approval of the addresses because they oppose the existence of Christian churches with ethnic Uzbek members.

The Government's most serious abuses of the right to religious freedom were committed against Muslims. The Government's campaign against independent Muslim groups, begun in the early 1990's, resulted in numerous serious human rights abuses during the year. The campaign has been directed at three types of Muslims: alleged Wahhabists, including both those educated at madrassas (religious schools) abroad and followers of missing Imams Nazarov of Tashkent and Mirzaev of Andijon; those suspected of being involved in the 1999 Tashkent bombings or of being involved with the IMU, whose roots are in Namangan; and suspected members of Hizb ut-Tahrir throughout the country.

Both Wahhabism and the IMU stem from the growth of independent Islam that the Government has sought to suppress since the early 1990's. Based on the court record, the distinction is that the Government considers the Wahhabists to be extremists and potential terrorists and those suspected of involvement in the bombings to be active terrorists. The Government does not consider repression of these groups to be a matter of religious freedom, but rather a matter of protection against those who oppose and may take up arms against the political order. However, authorities are highly suspicious of those who are particularly devout, including frequent mosque attendees, bearded men, and veiled women. In practice this approach results in abuses against many non-political Muslims for their religious beliefs.

Arbitrary arrest and detention of Muslim believers is common and the security services have arrested,

detained, and harassed Muslim leaders for perceived acts of insubordination and independence. The police routinely planted narcotics, ammunition, and Hizb ut-Tahrir leaflets on citizens to justify their arrest. For example, in August a Jizzakh court convicted six young men (ages 20 to 30) and their 83-year-old host for holding prayers in the older man's home. The police allegedly planted drugs and Hizb ut-Tahrir leaflets. The six young men remained in prison at year's end, although their host was released after paying a fine.

The Government used the local mahalla (neighborhood) committees as a source of information on potential detainees. Shortly after the February 1999 Tashkent bombings, President Karimov directed that each committee assign a "defender of the people," whose job it was to ensure that young persons in the neighborhoods were not joining independent Islamic groups. The committees identified for police those residents who appeared suspicious. In an interview in September 2000, an official of the Committee on Religious Affairs stated that the mahallas had identified 10,700 persons with extremist tendencies. When asked how mahalla officials know who is an extremist, the official replied "you can see it in their eyes." Human rights observers noted that in practice the committees often perceived as suspicious those same individuals who already had been detained by the police in the wake of either the 1997 murders of officials in Namangan or the 1999 Tashkent bombings, and who subsequently had been released because there was no evidence against them. The number of individuals arrested for their perceived religious extremism appeared to have decreased overall during the year, although there was a temporary increase during the spring. However, thousands remain jailed from previous years.

The absence of a free press and the rarity of public trials make it impossible to determine how many persons have been incarcerated for religious reasons. In October the Moscow-based human rights organization Memorial, published a list of over 2,600 documented cases of persons allegedly imprisoned for political and religious reasons from January 1999 to August 2001 (see Section 1.e.). Almost all of the individuals on Memorial's list were alleged to have been members of Hizb ut-Tahrir. The number of such prisoners in pretrial detention is unknown but probably is several hundred, nearly all of whom are accused of being Muslim extremists.

Bakhodir Khasanov, an instructor of French at the Alliance Francaise who was detained and held incommunicado in July 2000, was sentenced to a long prison term for anticonstitutional activity. Security services' interest in Khasanov apparently stems from the fact that many in his family are pious Muslims. Khasanov's father and brother were both imprisoned at year's end; his brother Ismail was convicted in 1999 for alleged links to Islamic extremists. In 1999 the authorities arrested and convicted Khasanov's 70-year-old father after planting Hizb ut-Tahrir leaflets on him; he signed a confession after police forced him to watch them beat Ismail, and was serving 3 years in prison at year's end.

The authorities often arrested family members of religious persons they sought to arrest (see Section 1.d.). For example, in March police arrested and detained in the basement of police headquarters Rahima Akhmedalieva, the wife of an imam who had fled the country fearing arrest (see Section 1.d.). All adult male members of the family of Imam Abidkhan Nazarov, who fled in 1998, remained in jail at year's end and allegedly were beaten periodically by interrogators trying to learn Nazarov's whereabouts. Three brothers of exiled democratic opposition leader Mohammed Solikh remained imprisoned because of their family ties (see Section 3). They all were convicted for anticonstitutional activity. Relatives who visited the brothers reported that Mukhammad Bekzhon was walking on crutches and looked emaciated. An NGO reported that another brother, Rashid Bekzhon, lost vision in one eye as a result of torture.

The Government typically held unannounced trials of alleged religious extremists. For example, accused Hizb ut-Tahrir members were tried in large groups, claimed mistreatment, and were sentenced to lengthy jail terms. In a trial that ended on May 17, a court sentenced all but 1 of 24 alleged members of Hizb ut-Tahrir to between 8 and 18 years in prison for anti-State activities, including belonging to a religious fundamentalist group. The court convicted the remaining defendant under a lesser charge and released him under amnesty. One of the defendants, Odiljon Umarov, was 17 years old and received an 8-year sentence. His father also was arrested and sentenced to a lengthy term. Another defendant, Mirzakarim Avasov, who denied belonging to Hizb ut-Tahrir, was the younger brother of Hizb ut-Tahrir member Mirzafar Avasov, who had been arrested in January 2000. According to persons familiar with the case, Mirzakarim originally was taken into custody in order to help investigators extract a confession from his older brother. Members of the National Security Service reportedly tortured Mirzakarim with electric shocks in front of his brother until Mirzafar agreed to sign a statement incriminating himself and others. NGO's and news services reported that trials of alleged Hizb ut-Tahrir members were common during the summer.

On April 9, a Tashkent court convicted former Imam Abdulvakhid Yuldashev, a former pupil of Imam Nazarov along with 12 other defendants. Yuldashev was sentenced to 19 years in prison for organizing an underground Islamic militant group. He was arrested in June 2000, held incommunicado for several months, denied access to a lawyer during most of his pretrial detention in the basement of the Ministry of Internal Affairs (MVD), and allegedly tortured (see Section 1.c.).

Throughout the year, many Muslim women protested the arrest and detention of their family members for allegedly being part of Islamist organizations. Police disrupted some of the protests, at times forcibly (see Section 2.b.).

The repression of pious Muslims continued. Most young men do not wear beards, which the Government regards as a sign of extremism. At one prominent Tashkent University, a professor noted that to his knowledge only one female student wore the headscarf favored by many modest Muslim women. However, Muslims, particularly older men, were seen in Tashkent wearing prayer robes and women were seen wearing the Muslim headscarf and, less commonly, the veil. There were no known expulsions of women wearing headscarves during the year; however, of the women expelled from state universities in 1997 and 1998 for wearing such clothing, none who continued to wear veils were readmitted during the year (see Section 1.f.). Loudspeakers (though prohibited on minarets) can be heard in some parts of the city issuing the call to prayer.

The authorities tolerate many Christian evangelical groups, but often harass those that try to convert Muslims to Christianity. Police occasionally have broken up meetings of unregistered groups. Leaders of such groups have been assessed fines and imprisoned. Members of Jehovah's Witnesses claimed that they are subjected routinely to police questioning, search, and arbitrary fines. Police conducted several raids this year against meetings of Jehovah's Witnesses, and the Jehovah's Witness' general counsel reports that harassment against their members remained a problem. In two incidents, one in January and one in July, police reportedly beat arrested members. The Jehovah's Witness' counsel alleges that the Government regards Jehovah's Witnesses as an extremist group. On June 24, Pastor Nikolai Shevchenko of Bethany (Baptist) Church in Tashkent and several of his parishioners were arrested in a raid during services. Pastor Shevchenko faces criminal charges. Central government officials, as well as many Christian leaders, view these and other incidents of harassment as isolated cases of local officials misapplying the law.

Religious groups are prohibited from forming political parties and social movements (see Section 2.b.).

The Government requires that the religious censor approve all religious literature. Possession of tracts by authors deemed to be extremist can lead to arrest and prosecution. Hundreds, perhaps thousands, of citizens have been imprisoned for possessing or distributing Hizb ut-Tahrir leaflets, which are both political and religious in content. Others have been imprisoned for possessing Islamic texts in Arabic (see Section 1.d.). The Committee for Religious Affairs (CRA), in accordance with the law has given the right to publish, import, and distribute religious literature only to registered central religious bodies. Believers of many faiths reported that during police and local administration raids on both registered and unregistered places of worship and private homes, officials confiscate anything that looks suspicious, especially foreign Islamic literature or Uzbek-language Christian literature. Human rights monitors reported that individuals arrested for Islamic extremism are not allowed to read the Koran in most detention facilities.

The Government bans the teaching of religious subjects in schools and also prohibits the private teaching of religious principles. On May 17, the Ministry of Justice informed in writing the Baptist Union that the holding of Sunday School classes for the children of congregation members was a violation of the Law on Freedom of Conscience and Religious Organizations. The letter threatened revocation of the Baptist Union's registration if it did not immediately cancel Sunday school. The Baptist Union responded to the letter and, in turn, received another letter from the Ministry still refusing to allow the Sunday school classes. Also in May, the Roman Catholic parish in Ferghana received an order from the regional Prosecutor General to close its Sunday School on the grounds that the school was an institution of higher learning and had not been registered properly. However, later in the month the CRA found that the Catholic Sunday school was not a formal institution, had been closed improperly, and should be allowed to reopen. Sunday school classes resumed at the school.

#### 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; however, at times the Government limited this right. Citizens must have permission from local authorities in order to resettle in a new city and the Government rarely grants permission to those who wish to move to Tashkent. The Government requires citizens to obtain exit visas for foreign travel or emigration, but grants these permits routinely for approximately \$6 (5,000 soums). An exit visa is not required for travel to most former Soviet Union states. All citizens have a right to a passport, and the Government does not restrict this right. Passports serve as both internal identity cards and, when properly certified, as external passports. Every citizen must carry such a document when traveling inside or outside the country. Police occasionally confiscated these documents. Political opponents are more likely to have their passports confiscated than other citizens.

Movement within the country by foreigners with valid visas generally is unrestricted; however, visitors require special permission to travel to certain areas, such as Termez, in Surkhandarya province on the Afghan border. At times the authorities closed certain mountainous regions where fighting with the IMU has taken place, particularly in Surkhandarya.

Several domestic human rights activists were able to leave and reenter the country without encountering problems from the Government. At year's end, police had not returned the passport of human rights activist Mikhail Ardzinov, nor the passport of activist Elena Urlaeva, which was seized in July (see Sections 1.c. and 1.d.).

In July police detained, threatened, and blocked the passage of human rights activists wishing to attend the funeral of Shovruk Ruzimuradov, police also had closed off the region to traffic (see Section 1.a.).

The law on citizenship stipulates that citizens do not lose their citizenship if they reside overseas; however, since the country does not provide for dual citizenship, those acquiring other citizenship lose Uzbek citizenship. In practice the burden is on returning individuals to prove to authorities that they have not acquired foreign citizenship while abroad.

Following the summer 2000 fighting with the IMU in the Surkhandarya region, the Government forcibly resettled residents of five villages from the mountainous border area (see section 1.d.). The villagers face a permanent bar to returning to their homes, and the Government has built permanent structures in the new settlement approximately 200 kilometers away. International observers and local NGO's have reported that the food shortages from the previous year had been resolved. Conditions in the new villages were similar to those in other villages of the region. The villagers have had a difficult time adjusting to the new topography and climate, as well as to their new life as farmers.

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 does not adhere to the 1951 Convention Relating to the Protection of Refugees or its 1967 Protocol. 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. Such persons may be deported if their residency documents are not in order. However, in August 1999 the Government agreed that it would not force those who have received refugee status from the U.N. High Commissioner for Refugees (UNHCR) to leave the country. The UNHCR reports that the policy appeared to be working, and that police rarely harassed mandate refugees.

The population includes large numbers of ethnic Tajiks, Kyrgyz and Kazakhs; as well as ethnic Koreans, Meskhetian Turks, Germans, Greeks and Crimean Tartars deported to Central Asia by Stalin during World War II. Russians and other Slavs also are well represented. These groups enjoy the same rights as other citizens. Although the latter groups are free to return to their ancestral homelands, absorption problems in those countries have slowed that return. There are no official statistics, but observers, including the UNHCR, estimated that there are 30,000 Tajik and 8,000 Afghan refugees in the country. As of December there were 2,056 UNHCR mandate refugees, and 612 family cases (totaling 1,374 individuals) pending decision. According to the UNHCR, 497 individuals are recognized as refugees. The UNHCR reported that 99 percent of its refugee cases are persons from Afghanistan.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government; however, in practice 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 (see Section 2.a.). No independent opposition groups participated in government or were allowed to function legally (see Section 2.b.). Five government controlled political parties hold a limited number of seats in Parliament.

The Government is highly centralized and is ruled by a strong presidency. President Karimov was elected in a limited multicandidate election in 1991. A 1995 Soviet-style referendum and subsequent parliamentary decision extended Karimov's first term until 2000. He was reelected in January 2000 to a second term with 92.5 percent of the vote. Karimov's opponent, Abdulhafiz Jalalov, ran a token campaign, and admitted on election day that he himself had voted for Karimov. The OSCE declined to monitor the presidential election on the grounds that the preconditions did not exist for it to be free and fair. In December the Parliament voted to hold a referendum in January 2002 on whether to extend the term of the presidency from 5 to 7 years.

President Karimov and the executive branch maintain control through sweeping decree powers, primary authority for drafting legislation, and control of all government appointments, most aspects of the economy, and the security forces.

Many 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 does not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. There are four other parties; however, these were created with government assistance and are loyal to President Karimov. All four parties participated in the December 1999 elections to the Oliy Majlis, during which 93 percent of the electorate reportedly cast their vote. However, the parties that competed in the parliamentary elections, as well as the numerous independent candidates, were sympathetic to the Government and did not represent a real choice for voters.

Because the voters lacked a choice, the OSCE and many international observers concluded that the December 1999 legislative elections were neither free nor fair elections. Local and regional governors (hokims)--who are appointed by the president--exerted a strong influence on the selection of candidates and the conduct of campaigns. Nearly half (110 out of 250) of those elected were not from party lists but were either hokims themselves or were nominated by the hokims' local assemblies. Only 16 of the 250 winning candidates had been nominated by citizens' initiative groups. These candidates generally were allowed on the ballot only if the hokims approved them.

The Parliament (Oliy Majlis) is the highest government body constitutionally. 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.

The laws that govern the conduct of parliamentary and presidential elections and the law on political parties make it extremely difficult for opposition parties to develop, 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. Under the law, the Central Election Commission must deny registration of presidential candidates who are found to "harm the health and morality of the people." There is no appeal to the Supreme Court for 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.

Citizen initiative groups of 100 members or more may nominate candidates to the Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Other interest groups are forbidden from participating in campaigns and candidates may meet with voters only in forums organized by precinct election commissions. The law prohibits parties from funding their candidates' campaigns directly; parties must turn over all campaign money to the Central Election Commission, which then distributes the funds equally among the candidates. Only the Central Election Commission may prepare and release presidential campaign posters.

According to the law on political parties, judges, public prosecutors, National Security Service (NSS) officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. By law the Government prohibits formation of parties based on religion or ethnicity; those that oppose the sovereignty, integrity and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility. Political organizations that seek to overthrow the Government, or cite national or racial hatred, are prohibited. The Government has refused to register political opposition organizations (see Section 2.b.). Membership in unregistered political organizations is not forbidden officially, but members of unregistered political organizations and human rights groups frequently experience police harassment and arrest (see Section 4).

The Government continued to target members of unregistered political opposition groups using methods such as arbitrary arrest, conviction on falsified charges, surveillance, and loss of employment (see Sections 1.d. and 4). The leaders of the two largest unregistered opposition groups in the country--Mohammed Solikh of the Erk Democratic Party and Abdurakhim Polat of the Birlik Democratic Movement--were forced into voluntary exile in the early 1990's. After the February 1999 Tashkent bombings, government targeting of members of these groups intensified. The Government repeatedly has accused Solikh, who ran against Karimov for the presidency in 1992, of being a leader of the terrorist plot behind the bombings. Solikh was 1 of the 9 defendants-in-absentia in the November show trial of 12 alleged bombing conspirators. He was convicted and sentenced to 15½ years in prison. Three of Solikh's brothers, KOMIL, Rashid, and Muhammed Bekjonov remained in prison at year's end (see Section 2.c.). Dozens of Erk and Birlik activists reported that since the 1999 bombings they have been subjected to various forms of harassment: frequent surveillance; restrictions on movement; searches of their homes; lengthy police interrogations; and, occasionally, detentions (see Sections 1.d., 1.f., and 2.d.). In April police arrested Shovruk Ruzimuradov, a member of the opposition political party Birlik, which once held 39 seats in Parliament. Ruzimuradov was a former member of Parliament and a human rights activist. Police tortured him severely and he later died in custody. In October police arrested Yusup Jamaev, also a member of Birlik. On December 29, a court convicted Jamaev of crimes against the Constitution and issued a suspended sentence; he was released later that day. Jamaev credibly denies earlier rumors that he was tortured.

The percentage of women in government or politics does not correspond to their percentage of the population. Traditionally women participate much less than men in government and politics. There are 20 female deputies in the 250-member Parliament. There are 2 women (both with the rank of Deputy Prime Minister) among 28 members of the Cabinet; 1 is charged specifically with women's issues.

The percentage of minorities in government or politics does not correspond in all cases to their percentage of the population. In the 250 member parliament, there are 227 ethnic Uzbeks, 1 Korean, 7 Russians, 1 Armenian, 3 Tajiks, 2 Ukrainians, 3 Kazaks, and 6 Karakalpaks.

#### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operate in the country; however, security forces continued to harass and abuse human rights activists. During the year, security forces arrested two human rights activists, one of whom later died in custody and the other of whom was released (see Sections 1.a. and 1.c.). Security forces released two other prominent human rights activists, both of whom had been arrested in the previous year, and no human rights activists were imprisoned at year's end. However, at least a dozen human rights activists reported significant harassment during the year, including the initiation of legal investigations into their activities and attempts to limit their ability to travel within the country. By year's end, all known government investigations into the activities of human rights activists had been closed, and police had returned the passport of one prominent human rights activist. The authorities continued to hold the passport of another human rights activist at year's end. Human rights activists continue to report difficulty finding jobs for their family members and themselves, and allegations of other forms of discrimination continue.

On April 14, two unidentified men attacked Khamraev Bakhtiar, the HRSU regional representative for Jizzakh: he suffered a concussion. In early August, Bakhtiar reportedly received a visit from officials from the procurator's investigative department who warned him to be careful about what he says.

Rustam Iskhakov, the HRSU representative for Andijon, says that officials from the procurator's office visited him on September 18. The officials allegedly told Iskhakov that his group would have to cease operations, because it was not properly registered. This harassment later ended after a high-level regional official agreed to investigate the matter.

The Government is willing to discuss human rights matters with organizations such as the OSCE, as well as with foreign embassies. The U.N. has not sent human rights commission members or special rapporteurs to the country. The Government generally is willing to hold an open dialog with international human rights NGO's, and held high-level discussions with representatives of Human Rights Watch during the year. Human Rights Watch has operated independently in the country.

The Government has registered only one domestic human rights NGO. The Committee for Protection of the Rights of Individuals (CPRI) was formed with the support of the Government but also has ties to opposition figures (see Section 2.b.). The organization acts as the Uzbek affiliate of the International Society for Human Rights, which is based in Germany. The CPRI engages in legitimate human rights work, but it refrains from criticizing the President. Observers have questioned the CPRI's independence from the Government. Its leader, Marat Zakhidov, engages in progovernment propaganda and has written reports that appear aimed at inflaming tensions between other human rights advocates.

There is 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 courts. In 2000 the office of the Ombudsman increased its staff and received authorization to open regional offices throughout the country. During the year, eight offices were opened outside Tashkent, and the Ombudsman reported that during the year the number of citizens who were served rose significantly. From June to September, the central office alone handled over 700 hundred cases, a large majority of which dealt with contested court decisions, abuse of power, and various labor and social welfare issues. The Ombudsman publishes reports identifying the most serious violations of human rights by government officials; the majority of these involve allegedly unjust court decisions and claims of abuse of power by police and local officials. Most of the successfully resolved cases appear to have been relatively minor.

The National Human Rights Center of Uzbekistan, created by presidential decree, educates the population and government officials about the principles of human rights and democracy. The center's chief activity is to hold seminars and training, and it is not involved in human rights advocacy. The center has worked closely with international organizations such as the U.N. Development Program and the OSCE.

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

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

### Women

Violence against women is a problem and spousal abuse is common, but no statistics on the problem are available. Wife beating is considered a personal family affair rather than a criminal act; such cases usually are handled by family members or elders within the community (mahalla) and rarely come to court. The law punishes physical assault; however, no legal provisions specifically prohibit domestic violence. Police often discourage women from making complaints against abusive husbands and abusers are rarely taken from home or jailed.

In December 2000, the NGO Minnesota Advocates for Human Rights released a major study on domestic violence in the country. While the lack of reporting prevented the authors from determining the number of cases annually, the study concluded that domestic violence was widespread and that the Government had failed to combat or even acknowledge the problem. Another NGO, Winrock International, which helps develop women's organizations in the country, agreed with the conclusions of the study but noted that public officials were willing to speak openly about the problem of domestic violence.

Trafficking in women to other countries for the purpose of prostitution was a problem (see Section 6.f.). Prostitution within the country is a growing concern as a result of the worsening economic situation.

Although the law prohibits discrimination against women, traditional, cultural, and religious practices limit their role in everyday society. For these reasons, women are underrepresented severely in high-level positions. In accordance with tradition, women--particularly in rural areas--usually marry before the age of 20, bear many children, and confine their activities to within the family. In rural areas, women often work in the cotton fields during the harvest season. However, women are not impeded formally from seeking a role in the workplace, and women who open businesses or seek careers are not hindered legally. Women are underrepresented in the industrial sector; however, they are fairly well-represented in the agricultural and small business sectors. In September 2000, the National Women's Committee sponsored a meeting commemorating the fifth anniversary of the Beijing Conference. A deputy prime minister at the cabinet level is charged with furthering the role of women in society and also is head of the National Women's Committee.

In 1999 the Government promulgated a law extending additional rights to women; it reduced the workweek to 35 hours for female employees of the State and reduced the optional retirement age for women to 54 years (after 20 years of employment).

Several dozen NGO's address the needs of women. For example, a center in Tashkent conducts seminars on sexual harassment, domestic violence, and the legal rights of women. Another center in Samarkand operates a crisis hot line and provides educational services on alcoholism, sexually transmitted diseases, and family counseling. In September the Businesswomen's Association in Kokand held a conference of NGO's working on women's needs in the Kokand Region. The American Bar Association operates programs geared toward protecting women's legal rights in the Ferghana region. A women's group in Surkhandarya works with women with disabilities and promotes their rights.

In parts of the country, some women and girls resort to suicide by self-immolation. There are no reliable statistics on the extent of this problem because 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.

A 1997 research study indicated that the number of women enrolling in higher education was 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 continued during the year, leaving many families in the position of being able to fund the education of only one child, either a son or a daughter. The report stated that university faculty "steer" women into occupations traditionally performed by females and suggested that administrators may deliberately bar 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 reach age 18. Traditional Uzbek values reinforce the cohesion of families; in most cases, several generations of a family live together. In theory the State provides free universal primary education and health care; however, in practice shortages and budget difficulties mean that some services must be paid for privately. Nine years of formal schooling are compulsory, and the average length of schooling is over 11 years. According to the Government, 98.1 percent of children complete secondary school. Anecdotal evidence indicates that more children continued to drop out of high school as economic circumstances continued to deteriorate. There also is evidence that earlier marriages among young rural women have contributed to a higher drop out rate for young women. The State grants monetary allowances to families based on their number of children. The country has a very high birth rate; over one-half of the population is under the age of 18.

There is no societal pattern of abuse of children; however, trafficking in girls for the purpose of prostitution is a problem (see Section 6.f.). During the harvest, some school children, particularly in rural areas, are forced to work in the cotton fields (see Section 6.c.).

#### Persons with Disabilities

The law provides for support for persons with disabilities and is aimed at ensuring that these persons have the same rights as other citizens; however, little effort is made to bring persons with disabilities into the mainstream. There is some societal discrimination against persons with disabilities. Children with disabilities generally are segregated into separate schools. The State cares for the mentally disabled in special homes. The Government has not mandated access to public places for the disabled; however, there is some wheelchair access throughout the country.

#### Religious Minorities

Members of ethnic groups that traditionally are associated with Islam who convert to Christianity sometimes encounter particular societal and low-level governmental hostility.

There is no pattern of discrimination against Jews; Hebrew education, Jewish cultural events, and the publication of a community newspaper take place undisturbed, and synagogues function openly throughout the country. Anti-Semitic leaflets signed by Hizb ut-Tahrir have been distributed throughout the country.

#### National/Racial/Ethnic Minorities

Government statistics dating from 1992 show that the population was approximately 71 percent Uzbek, 8 percent Russian, 5 percent Tajik, 4 percent Tatar, and 3 percent Kazakh, with many other ethnic groups represented as well. UNHCR figures from 1999 indicate that ethnic Russians make up 3 percent and Tatars make up approximately 0.6 percent of the population. Observers believe that the statistics may underestimate the actual number of ethnic Tajiks; the figures treat ethnic Tajiks whose mother tongue was Uzbek as ethnic Uzbeks. In addition some members of other ethnic groups choose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians, frequently complained that job opportunities are limited for them. Senior positions in the government bureaucracy and business generally are reserved for ethnic Uzbeks, although there are numerous exceptions to this rule.

The citizenship law does not impose language requirements for citizenship; however, 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 spoken widely in the main cities, and Tajik is spoken widely in Samarkand and Bukhara. The law originally required that Uzbek would be the sole method of official communication by 1998, but subsequently was modified to remove a specific date. The Government also is in the process of replacing the Cyrillic alphabet with the Latin alphabet; however, realizing the difficulties for Uzbeks and minorities alike, the Government has delayed the full transition to both the Uzbek language and the Latin alphabet to 2005.

#### Section 6 Worker Rights

##### a. The Right of Association

The law specifically provides that all workers have the right voluntarily to form and join unions of their choice,

and that trade unions themselves voluntarily may 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. However, in practice the overall structure of trade unions has not changed significantly since the Soviet era. Trade unions remain centralized hierarchically, and remain dependent on the Government. No alternative union structures exist. Independent unions do not exist.

There are a few professional associations and interest groups, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. There also are registered professional associations for judges and lawyers, both of which are quasi-governmental. An association of broadcasters that formed in 1998 has failed to gain government registration (see Section 2.a.). 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, and emphasis is placed 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 several reports of strikes during the year, which were the result of delayed payment of workers. According to reports, workers received at least partial payment as the result of their strikes. The media did not report on the strikes. It is not clear whether trade unions played a role in the organization of these strikes. Observers believe that the rarity of strikes reflects the absence of truly representative trade unions due to a falling standard of living and growing unemployment raised social tensions. There were several localized and short strikes during the year.

The law on unions provides that unions may choose their own international affiliations; however, none have done so.

#### a. The Right to Organize and Bargain Collectively

Trade unions may conclude agreements with enterprises; however, progress in privatization has been very limited and collective bargaining does not occur. As a result, there is no experience with negotiations that could be described as adversarial between unions and private employers. The State still is the major employer, and the state-appointed union leaders do not view themselves as having conflicts of interest with the State.

The Ministry of Labor and the Ministry of Finance, in consultation with the CFTU, set the wages for various categories of state employees. In the small private sector, management establishes wages or negotiates them with those who contract for employment.

The law forbids discrimination against union members and their officers.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced or bonded labor except as legal punishment or as may be specified by law; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.). In addition, persons, including teachers and sometimes passersby in automobiles and busses, are forced to participate in the compulsory mobilization of labor for the cotton harvest.

The law prohibits forced and bonded labor by children; however, trafficking in girls for prostitution was a problem (see Section 6.f.). In addition the large-scale compulsory mobilization of youth and students (by closing schools) to help with the cotton harvest during the fall, continued to occur. Student labor in the cotton fields is paid poorly, and students sometimes must pay for their food.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum working age is 16 years; 15-year-olds can receive state permission to work but must work a

shorter workday. In rural areas, younger children often help to harvest cotton and other crops (see Section 6.c.). The Labor Ministry has an inspection service, which is responsible for enforcing compliance with these and other regulations governing employment conditions.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded labor by children; however, trafficking in girls for prostitution was a problem (see Section 6.f.). Compulsory mobilization of children, mostly in rural areas, does occur during the cotton harvest (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. As of September, the minimum wage was approximately \$3 (3,430 soums) per month. The minimum wage does not provide a decent standard of living for a worker and family.

The standard workweek is set at 41 hours and requires a 24-hour rest period. Some factories apparently have reduced work hours in order to avoid layoffs. Overtime pay exists in theory but is not always paid in practice. Pay arrearages of 3 to 6 months are not uncommon for workers in state-owned industries, and the problem appeared to be growing.

The Labor Ministry establishes occupational health and safety standards in consultation with the unions. There is a health and safety inspection directorate in the Ministry. The local press occasionally published complaints about the failure of unions and government authorities to do enough to promote worker safety. Although written regulations may provide adequate safeguards, workers in hazardous jobs often lack protective clothing and equipment. Workers are permitted to leave jobs that are hazardous without jeopardizing their employability in other jobs; however, in practice high rates of underemployment make such action difficult.

#### f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons, and trafficking in women and girls from Uzbekistan for the purpose of prostitution was a problem, particularly to the Persian Gulf, South Korea, Thailand, and Turkey. There are no reliable statistics on this problem; and it does not appear to be widespread, although anecdotal reports from NGO's indicate that the number of young women from Uzbekistan who are trafficked into prostitution abroad is growing. Many victims are unwilling to come forward due to both societal pressure and the fear of retaliation from their traffickers. Traffickers most often target young women between the ages of 18 and 30. Agents in nightclubs or prostitution rings solicit these women, many of whom previously engaged in prostitution. In large cities such as Tashkent and Samarkand, traffickers use newspaper advertisements to lure women by promising high-paying work or marriage abroad. Travel agencies promising tour packages and work in Turkey, Thailand, and the United Arab Emirates (UAE) also solicit prostitutes. Victims often are promised jobs as dancers or waitresses in nightclubs or restaurants in the destination country. In its 2000 annual report, Human Rights Watch claimed that, traffickers after bribing law enforcement officials, had arranged for women and girls as young as 13 to work as prostitutes in the UAE.

The Government has not acknowledged the problem of trafficking publicly, but has taken some measures to combat it. According to NGO representatives, the police force in Samarkand formed a special unit on trafficking in women in 1998, but the unit's effectiveness has been hampered by a lack of resources. Border guards at airports were directed to give more scrutiny to unaccompanied young women traveling to Turkey, the UAE, and South Korea; they are authorized to deny such women permission to leave the country. There was no information available on whether the Government had prosecuted any traffickers, by year's end. There is no government program to educate or assist potential victims.

There are no NGO's that address trafficking specifically, although several have attempted to gain information on the subject.