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U.S. Department of State

Uzbekistan Report on Human Rights Practices for 1996

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UZBEKISTAN

Uzbekistan is a state with limited civil rights. It took several steps toward creating a less authoritarian society in 1996, the full effect of which is unclear. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch that serves him remain the dominant forces in political life. The Oliy Majlis (Parliament) is dominated by the executive branch, and only parties that support the President are represented. Although the Constitution provides for an independent judicial authority, in practice the judicial branch is heavily influenced by the executive branch in civil and criminal cases.

The police are controlled by the Ministry of Interior (MVD). The police and related MVD forces are responsible for most normal internal police functions. The National Security Service (NSS)--the former KGB--deals with a broad range of national security questions, including corruption, organized crime, and narcotics. The army and border guards are responsible for external defense. They are not routinely used in internal disturbances and rarely are implicated in human rights abuses. The police and the NSS committee numerous, serious human rights abuses.

The Government continued to move toward market reform, especially through improvement in the legislative framework. However, in the last quarter of the year, it took financial steps which led the International Monetary Fund to suspend its loan program. The economy is based primarily on agriculture and agricultural processing; Uzbekistan is the world's fifth largest producer of cotton, the seventh largest producer of gold, and has substantial deposits of copper, strategic minerals, gas, and oil.

The Government has proclaimed its commitment to a gradual transition to a free market economy. It has achieved substantial progress in reducing inflation and the budget deficit. However, progress on privatization of the large state-owned enterprises that account for the bulk of gross domestic product remained slow, and a host of formal and informal barriers continued to constrain the nascent private sector.

The Government's human rights record improved, but serious problems remain. Citizens cannot exercise their right to change their government peacefully. Chosen president in a 1991 election that most observers considered neither free nor fair, Karimov had his stay in office extended to 2000 by a 1995 Soviet-style referendum. Parliament subsequently voted to make the extension part of Karimov's first term, thus making him eligible to run again in 2000. To control the political arena, the Government continues to deny registration to independent

political parties and other groups potentially critical of the Government, and it prevents unregistered opposition parties and movements from operating freely or publishing their views. The Government continues to ban unsanctioned public meetings and demonstrations. Police and NSS forces used torture, harassment, and illegal searches, and arbitrarily detained or arrested opposition activists on false charges. They committed these and other abuses against both dissidents and other citizens, although reported abuses against dissidents decreased sharply. Arbitrary arrest and detention is common; even foreigners are not exempt. Police often beat criminal suspects, and detention can be prolonged. Prison conditions are poor. Although the Government says that it investigates abuses, those responsible for documented abuses rarely appear to be punished. The Government severely limits freedom of speech and the press, and freedom of expression is constrained by an atmosphere of repression that makes it difficult to criticize the Government publicly. Although the Constitution expressly prohibits it, press censorship continues. The Government sharply restricts the importation of foreign print media. The Government reimplemented a long-dormant, politically motivated property confiscation order against opposition leader and former vice president, Shukrullo Mirsaidov, and harassed his family, apparently in retaliation for Mirsaidov's remarks at an OSCE-sponsored seminar on national human rights institutions. The Government has harassed and arrested independent Islamic leaders on questionable grounds, citing the threat of Islamic extremism. Despite a constitutional prohibition, there continues to be significant traditional societal discrimination and domestic violence against women.

The Government took several steps to improve its international human rights image. President Karimov has made speeches calling for human rights reform and more press freedoms. During the summer, the Government released approximately 15 prisoners alleged to be held for political reasons. It permitted Human Rights Watch/Helsinki (HRW/H) to open an office in Tashkent and invited exiled opposition leaders and human rights activists to return without fear of reprisal. Outspoken human rights activist Abdoumanob Pulat, chairman of the Human Rights Society of Uzbekistan (HRSU), visited Uzbekistan without incident. At a human rights conference in September, several government critics voiced their complaints about human rights abuses before an international audience in Tashkent. The Government registered one indigenous human rights organization, but declined to act on the registration application of the HRSU which has been seeking to register since 1992. In April Radio Free Liberty opened an office in Tashkent.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

The Government has never announced the results of its internal investigation into the 1995 death in police custody, almost certainly from a beating, of Bokhtiar Yakubov, a witness linked to an opposition activist.

b. Disappearance

There were no reports of politically motivated disappearances.

No developments were reported in the 1995 disappearance of Abduvali Kori Mirzaev, the imam of an Andijon mosque who along with his assistant allegedly was detained at the Tashkent airport by NSS officers while en route to a conference in Moscow. Similarly, there were no new developments in the 1992 disappearance of Abdullah Utaev, leader of the Uzbekistan chapter of the outlawed Islamic Renaissance Party, who, most observers believe, also was detained by security forces. There is no official admission that either man was arrested or detained and no further information on their whereabouts. However, most independent observers believe that the three missing Islamic activists are either dead or in NSS custody.

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

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

On September 25, the Supreme Court completed its review of an appeal by the "Namangan 11," a group of young men who, evidence strongly suggests, were falsely accused of belonging to a Namangan city gang that committed a murder and several robberies. The Court commuted the death sentence of one and reduced the sentences of the other defendants. Lawyers at the hearing presented evidence that the defendants' confessions were obtained by beatings.

Dmitri Fattakhov, a young man allegedly beaten nearly to the point of insanity by police to obtain his confession in a 1995 murder case, was permitted to go to Israel for medical treatment in early 1996.

Police detained the representative of an international human rights nongovernmental organization (NGO) overnight and subjected him to verbal abuse and humiliating treatment (see Section I.d.). There were no reported developments, in the investigation of the 1995 kidnappings of former vice president Mirsaidov and his son.

Prison conditions are poor, and worse for male than for female prisoners. Due to limited resources, prison overcrowding is a problem. Reportedly there are severe shortages of food and medicines. Political prisoners are often not allowed visitors or any other direct form of contact with family and friends. The Government operates labor camps, but little is known about the conditions of incarceration. The Government does not routinely permit prison visits by human rights monitors although diplomats have occasionally obtained access in specific cases.

d. Arbitrary Arrest, Detention, or Exile

Uzbekistan continues to use the Soviet legal system, and laws on detention have not changed since independence. According to the law, police may hold a person suspected of committing a crime for up to 3 days. At the end of this period, the suspect must be either officially charged or released. A procurator's

order is required for arrests but not for detentions. A court case must be scheduled within 15 days of the arrest, and the defendant may be detained during this period. A defendant may not have access to counsel while in detention but only after formal arrest. Delays between detention and trials can be lengthy--one Islamic cleric detained in September 1994 did not go on trial until May 1995.

In practice police arbitrarily stop and detain individuals, whether dissidents or not, without warrant or just cause. In the past, opposition and religious figures have been charged with offenses such as drug possession, illegal possession of firearms, or disorderly conduct in an effort to stifle their criticism of government policy. There were no such reports in 1996.

In March police detained opposition-linked human rights activist Paula Braunerg and her son when they found newspapers from Russia in her house during a search, allegedly for smuggled gold. She was later released, and government officials admitted privately that the security forces had acted incorrectly in detaining her for possession of the newspapers.

On August 30, three police officers, possibly intoxicated, arrested the local HRW/H representative, a British citizen, as he returned from a dinner engagement with friends. At the district police station, two senior officials intimidated and

verbally abused him, and accused him without basis of illegally possessing narcotics and firearms. He was forced to spend the night in a cold jail cell in his underwear. Police never brought charges. The Government claims that it carried out an internal investigation and does not admit being at fault, but it has issued a written apology.

The Government does not use forced exile.

e. Denial of Fair Public Trial

Although the Constitution provides for an independent judicial authority, the judicial branch takes its direction from the executive branch.

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

Under the Constitution, the President appoints all judges for 10-year terms. They may be removed for crimes or failure to fulfill their obligations. Power to remove judges for failure to fulfill their obligations rests with the President, except for Supreme Court judges, whose removal must also be confirmed by Parliament.

Uzbekistan still uses the Soviet judicial system, which features trial by a panel of three judges: one professional judge and two "people's assessors" who are chosen by the workers' collectives for a period of 2 1/2 years. The judge presides and directs the proceedings. Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The State will provide a lawyer without charge, but by law the accused has the right to hire an attorney. In some political cases, the defendants have not had access to lawyers.

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 must usually sign a pledge not to leave the city.

In practice defense lawyers are unskilled at defending their clients. Courts often do not allow all defense witnesses to be heard, and written documents are given more weight than courtroom witnesses. In the case of the Namangan 11 (see

Section 1.d.), the defendants' written confessions, allegedly gained by beatings and repudiated by the defendants in court, appeared to have been given more weight than the testimony of eyewitnesses.

Human Rights Watch/Helsinki and the HRSU have compiled lists of 20 to 30 individuals believed to be political prisoners. Many were associated with the Birlik or Erk parties, or were involved in independent Islamic activities. Many were convicted of nonpolitical offenses such as tax evasion, misappropriation of funds, or illegal possession of narcotics or firearms. However, many observers question the fairness of the trials and believe that incriminating contraband was planted by arresting officers. Six of the prisoners on the lists were paroled during the year, five of them under President Karimov's August amnesty. Three other prisoners were either released or had their sentences reduced before 1996. The Government denies holding political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

By law search warrants issued by a procurator are required. There is no provision for a judicial review of warrants. No legal mechanism exists for authorizing telephone tapping or monitoring. Security agencies routinely monitor telephone calls and employ surveillance and wiretaps in the cases of persons involved in opposition political activities.

The Government does not allow general distribution of foreign newspapers (with the exception of two or three very conservative Russian ones) and other publications. However, limited numbers of foreign periodicals began to appear in Tashkent's two major hotels, and authorized groups can obtain foreign periodicals through subscription. The publication of the local editions of Izvestia and Pravda and the of their Moscow editions remained suspended throughout 1996. The authorities black out Russian news broadcasts when they are critical of the Government (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

A 1991 law against "offending the honor and dignity of the President" limits the ability to criticize the President. Journalists and ordinary citizens remain afraid to express views critical of the President and the Government.

Information remains very tightly controlled. Although the Constitution prohibits censorship, it is widely practiced and the Government tolerates little, if any, criticism of its actions. Newspapers may not be printed without the censor's approval. Journalists and writers who want to ensure that their work is published practice self-censorship. Several speakers at the OSCE conference openly challenged the Government's assertion that there is no censorship.

Although the President made several speeches advocating more freedom of the press, Vatan, the newspaper of the progovernment Fatherland Progress Party, ceased publication temporarily after publishing an analytical piece about the President's August 29 speech to Parliament on human rights, reportedly under pressure from government officials displeased by the article.

The Uzbekistan Information Agency cooperates closely with the presidential staff to prepare and distribute all officially sanctioned news and information. Nearly all newspapers are government owned and controlled; the key papers are organs of government ministries. State enterprises control the printing presses.

The last opposition newspaper to be published was that of the Erk party. In 1993 it was banned and has not been published since.

Magazines and weeklies have to be registered, a procedure that includes providing information about the sources of funding, means of distribution, founders, and sponsors. A resolution by the Cabinet of Ministers bans private persons and journalist collectives from founding newspapers or magazines. Foreign correspondents based in Tashkent report that the security services have harassed and threatened their translators and other local employees. Limited numbers of foreign periodicals are available, but the Government does not allow the general distribution of foreign newspapers (see Section 1.f.).

Television broadcasting is state controlled. Although there are local stations in various regions, nationwide programming is on two state-run channels that fully support the Government and its policies. The Ostankino channel from Russia broadcasts during the evening. Its news broadcasts are blacked out when they are critical of the Government. A cable television joint venture between the state broadcasting company and an American company broadcasts the Hong Kong-based "Star TV" channels, including the British Broadcasting Corporation (BBC) and Cable News Network world news, to Tashkent and a few other locations.

However, there were instances in which the Government eased its restrictions. For example, at a human rights conference in Tashkent in September sponsored by the Organization for Security and Cooperation in Europe (OSCE), numerous dissidents,

including the head of the HRSU, the son of the missing Andijon Imam, and the former vice president were allowed at the last minute to participate and express views critical (in some cases extremely so) of the Government. In the wake of the conference, the head of the HRSU and another dissident were interviewed on government radio. Government television also aired a program in which short clips of critical speeches were aired, followed by longer rebuttals from government supporters.

In May the Government allowed Radio Free Liberty to open a bureau in Tashkent, staffed by two local Uzbek stringers. Radio Liberty, the Voice of America, and BBC radio, along with the more expensive cable television channels noted above, are among the few sources of uncontrolled news.

In addition to state-controlled television, at least one major station in Samarkand considers itself independent. It claims not to receive any government subsidy and to exist wholly on income derived from advertisers. It currently has two channels and plans a third, devoted to business news. However, it is clearly sensitive to political concerns from the center and concentrates on nonpolitical news but claims not to be formally censored.

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

Virtually all academic institutions and academies are experiencing increased autonomy, but freedom of expression is still limited. Most institutions are in the process of revising curriculums, and Western textbooks are in great demand.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds. The Government must sanction demonstrations and does not routinely grant this permission.

The Constitution provides for the right of freedom of association, but the Government limits the exercise of this right by refusing to register opposition political parties and movements opposed to the established order. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be formally registered with the Government in accordance with procedures prescribed by law. In December the Parliament passed new legislation on political parties which increases the number of signatures required to register a political party from 3,000 to 5,000. A party must meet other requirements, such as providing an official address. The process for registering NGO's and other public associations is also difficult and time consuming, with many opportunities for official obstruction.

Since 1992, the Government has repeatedly frustrated the efforts of the Human Rights Society of Uzbekistan (HRSU), a local human rights group with close ties to exiled opposition figures, to register officially. Immediately prior to the OSCE Conference in September, however, it granted permission for the HRSU to hold a founding organizational meeting (kurultai), a prerequisite for receiving registration. The Society subsequently pursued the next step in the registration process by submitting its registration petition on October 3. On January 3, 1997, the Government declined to act on HRSU's application to register, asserting technical deficiencies in its paperwork (see Section 4.). The Government earlier granted registration to another human rights NGO, the Committee for Protection of Individual Rights, a group formed with the support of the Government.

In earlier years, the Government repeatedly denied the attempts of the Birlik movement and Erk party to register as parties. Most of these organizations' leaders have since gone into exile, and these organizations made no attempt to register in 1996, reportedly because their remaining adherents in the country are afraid of government reprisals. The Constitution and a 1991 amendment to the law on political parties bans those of a religious nature. This principle is cited for previous denials of registration to religious parties, including the Islamic Renaissance Party (IRP). Other opposition have announced the formation of the "Adolat-True Path" party but have never pursued formal registration, claiming that their members are also afraid of government reprisals.

Nonpolitical associations and social organizations usually did not encounter comparable difficulties in registering, although bureaucratic delays and official suspicion continued to plague the registration process for such groups. Some evangelical churches and some foreign humanitarian assistance groups found it difficult to obtain registration or reregistration.

c. Freedom of Religion

The Constitution provides for freedom of religion and for the principle of separation of religion and state. However, despite allowing many groups to worship freely, for example, the Russian Orthodox and several other Christian denominations, the Government suppresses some religious groups that defy the authority of state-appointed religious authorities, particularly Islamic dissidents. In addition, despite the principle of separation of religion and state, the government-controlled Spiritual Directorate for Muslims

funds some Islamic religious activities.

After the enforced atheism of the Soviet period, religious communities are experiencing a significant revival. Religious

education is becoming more widespread, although it is not included in state schools. While Islam is the religion of the majority, ethnic minorities may also practice their religion in relative freedom.

However, tensions arise when churches attempt to convert across ethnic lines, especially when they attempt to convert members of generally Muslim ethnic groups to Christianity. Although distribution of religious literature is legal in Uzbekistan, missionary activity and proselytizing is not.

Fearing the destabilizing influence of extremist Islamic forces, the Government has sought to control the Islamic hierarchy, the content of imams' sermons, and the extent and substance of published Islamic materials. However, Islamic groups not affiliated with the Government form a "parallel Islam". The Government has detained a number of Fergana Valley Islamic clerics on various charges (see Section I.d.). Bureaucratic restrictions have also inhibited the free operation of numerous religious schools. Dissident Islamic figures deny that they are extremists and claim that they are being persecuted for their unwillingness to "slavishly" praise the Government's actions.

Muslim leaders have been detained and harassed for acts of perceived insubordination and independence. In early 1996, the government-appointed mufti fired imam Abidkhon Nazarov, head of the Tukhtoboi mosque in Tashkent, and several other independent-minded Islamic clerics. These clerics were fired ostensibly for failing a government-designed "imam test," which included questions about political and economic policy outside the traditional sphere of a religious cleric. The Government also closed the Andijon Friday mosque where missing imam Abduvali Kori Mirzaev (see Section I.b.) formerly preached. The Kokand Friday mosque remains closed since mid-1995.

There is no pattern of official discrimination against Jews. Synagogues function openly; Hebrew education (long banned under the Soviets), Jewish cultural events, and the publication of a community newspaper take place undisturbed. However, the perception of bleak economic prospects; occasional harassment by low-level officials, which some believe is anti-Semitic in origin (other say that such incidents occur in the context of harassment which any resident of Uzbekistan may face); and the belief that militant Islam might become a strong force are motivating many Jews to consider emigration.

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

The Constitution provides for free movement within the country and across its borders, and the Government generally respected these right. The Government has largely completed the process

of issuing new passports to citizens in place of the old Soviet ones. The new passports serve as both internal identity cards and, when noted, as external passports. In addition the Government has greatly simplified the process of obtaining exit visas, which are valid for a period of 2 years and no longer require invitations.

Most barriers to emigration were lifted before the Soviet breakup. Although in some instances emigrants are delayed by long waits for passports and exit visas, potential emigrants who can find a host country willing to accept them are able to leave the country. Since independence, a significant number of non-Uzbeks, including Russians, Jews, Ukrainians, and others have emigrated, although no figures are available. These people have left because of their perception that economic conditions are better

elsewhere and, in some cases, due to concern that future economic and social prospects for non-Uzbeks will be limited. A sizable number of Russian emigrants, finding poor economic conditions and discrimination in Russia, have returned to Uzbekistan.

The travel of local citizens within Uzbekistan is not controlled, unlike travel by foreigners, including journalists. Due to treaties between their countries and Uzbekistan, citizens of the United States, France, Germany, the United Kingdom, and the Republic of Korea receive visas valid for travel throughout Uzbekistan. Other foreign visitors must have each city they wish to visit noted on their visas. Tourists seeking to check into hotels without the appropriate internal visa often find themselves having to pay fines or bribes to local officials. In mid-1995, a presidential edict decreed that the ancient cities of Tashkent, Samarkand, Bukhara, and Khiva would henceforth be "open cities," for which a separate visa notation is not required for nationals of any country. However, it is not clear whether implementing regulations are yet in place.

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

There is no law concerning the rights of refugees and asylum seekers, and the Government does not recognize the right of first asylum. The Government considers asylum seekers from Tajikistan and Afghanistan to be economic migrants, and such individuals are subject to harassment and bribe attempts when seeking to regularize their status. They may be deported if their residency documents are not in order. The country hosts populations of ethnic Koreans, Mesketian Turks, and Crimean

Tartars deported to Central Asia by Stalin during World War II.

These groups enjoy the same rights as other citizens. Although they are free to return to their ancestral homelands, absorption

problems in those countries have slowed that return. The UNHCR estimates there are 30,000 Tajik and 9,000 Afghan asylum seekers of which 2,000 have filed asylum requests with UNHCR; 960 had received mandate refugee status by year's end. There were no confirmed reports of forced repatriation of refugees.

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

While the Constitution provides for this right, in reality citizens cannot exercise their right to change their government through peaceful and democratic means. The Government severely represses opposition groups and individuals and applies harsh limits on freedom of expression, although pressure on dissidents decreased in 1996. No true opposition groups participated in government or were allowed to function legally.

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

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

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

Few people were willing to challenge the Government's grip on power or even risk criticizing it publicly. During a June visit to the United States, President Karimov invited opposition and human rights activists to return to Uzbekistan. In August Abdoumanov Pulat, head of the HRSU (see Section 4) and brother of exiled Birlik leader Abdurakhim Pulatov, returned temporarily from political asylum in the United States to reassume leadership of the HRSU after a 4 1/2-year absence. Pulat moved freely about the country and was not harassed. Some of the many remaining opposition figures in exile have expressed tentative interest in returning, but others report that they do not trust President Karimov's offer and have no intention of returning.

The Government reimplemented a long-dormant, politically motivated property confiscation order against opposition leader and former vice president, Shukrullo Mirsaidov, and harassed his family, apparently in retaliation for Mirsaidov's remarks at an OSCE-sponsored seminar on national human rights institutions. Police placed the family under surveillance and questioned neighbors after Mirsaidov spoke at the conference. On November 28, the Government evicted the family from their apartments in Tashkent to enforce a long-standing but previously dormant property confiscation order against Mirsaidov. During the trial, the district representative withdrew the action on grounds of insufficient evidence, but the prosecutor and judge refused to halt the trial. On November 9, Hasan Mirsaidov, Shukhrullo's son, was abducted by several unidentified men under circumstances suggestive of official involvement. He was handcuffed, beaten, and threatened with execution, only to be released after 12 hours. No ransom demand was made on the family. The culprits had not been identified by the police at year's end.

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

Traditionally, women participate much less than men in government and politics. Only 13 of the 250 deputies in Parliament are female. In 1995 the President promoted the chairwoman of the governmental national women's committee to the position of Deputy Prime Minister. Her duties specifically include monitoring the rights and welfare of women.

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

The Government generally disapproves of local nongovernmental organizations working on human rights, and restricts their operations. Local NGO's face many obstacles. Laws left over from the Soviet

period present difficulties in registration and operation for NGO's and private business alike.

The Human Rights Society of Uzbekistan (HRSU), an opposition-linked group formed in 1992, has been the chief independent source on human rights abuses in Uzbekistan. In the past it was denied registration, and its activists were subject to prolonged harassment, including physical violence. Prior to the OSCE conference in September, however, the Government permitted the HRSU to take the first step in the registration process, the holding of a founding congress, or "kurultoi," in September. HRSU activists continued to suffer harassment, although less than in previous years. HRSU Chairman Pulat visited Uzbekistan for several months without incident. He participated openly in the OSCE human rights seminar and subsequently was interviewed by Uzbek radio. The HRSU publishes reports in Moscow and circulates materials in Uzbekistan, but has no formal right to publish materials locally. The Government declined to act on HRSU's registration petition, asserting technical difficulties in its paperwork.

A governmental human rights commission, headed by a parliamentary ombudsman, was founded in 1995. It responds to complaints from citizens but has insufficient trained staff to carry out in-depth investigations of human rights violations and does not vigorously pursue allegations against the police and security forces. The Government plans to upgrade its capabilities with United Nations assistance. After years of opposition and delay, the Government registered one human rights NGO in 1996, the Committee for Protection of Human Rights. It was formed with the support of the Government but has ties to opposition figures as well. It reportedly has had some success in investigating abuses and getting the Government to correct them, but it has been unable to publish its views because of censorship and lack of financial resources. Some sources affiliated with other groups have questioned its true degree of independence from the Government.

In the past, the Government sharply criticized international human rights groups and Western and Russian reporters for what it considered biased reporting on human rights in the country. The Government has continued to reject criticism from Moscow-based sources, but it has announced its willingness to hold an open dialog with international human rights NGO's. It permitted Human Rights Watch/Helsinki to open a Tashkent office in June. The opening followed two visits in 1995 by HRW/H

monitors who met with both governmental and nongovernmental figures. A representative of Amnesty International also visited Uzbekistan in 1996.

From September 11 to 13, the Government and the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE cosponsored a seminar on national human rights institutions. At the seminar, representatives of indigenous and international NGO's, including secular and Islamic dissidents associated with those NGO's, gave presentations, several of which were extremely critical of government policies concerning the media, political parties, and religious freedom.

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

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

Women

Spousal abuse is common, but local activists do not have statistics. Wife beating is considered a family affair rather than a criminal act, and thus such cases rarely come to court.

Although discrimination against women is prohibited by law, traditional cultural and religious practices severely limit their role in everyday society. For these reasons, women are severely underrepresented in high-level positions. In 1995 President Karimov issued an edict on measures to increase the role of women in society, particularly extending their participation in state and social administration and coordinating the activities of ministries and social organizations as they relate to women's issues. In this connection a new post, deputy Prime Minister, was established with responsibilities for the management of matters connected with furthering the role of women in society. The edict also created heads of women's affairs in the autonomous republic of Karakalpakstan, regions, cities, and districts. The Ministry of Finance was ordered to allocate the necessary funds to finance these new positions and working bodies.

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

Children

The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they are of age. In theory the State provides free universal primary education and health care. In practice shortages and budget difficulties mean that some services must be paid for privately. The State grants monetary allowances to families based on their number of children. There is no societal pattern of abuse of children. Uzbekistan has a very high birthrate; over one-half of the population is under the age of 15.

People with Disabilities

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

National/Racial/Ethnic Minorities

Government statistics show that the population of approximately 23 million is about 71 percent Uzbeks, 8 percent Russians, 5 percent Tajiks, 4 percent Tatars, and 3 percent Kazaks, with many other ethnic groups represented.

The citizenship law, passed in 1992, does not impose language requirements for citizenship. Nonetheless, the language issue remains very sensitive. Uzbek has been declared the state language, and the Constitution requires that the President speak Uzbek. However, the language law provides for Russian as the "language of interethnic communication." Russian is widely spoken in the main cities, and Tajik is widely spoken in Samarkand and Bukhara. The language law, passed in 1989, originally required that Uzbek would be the sole method of official communication by 1997. Uzbekistan also plans to replace its Cyrillic alphabet with the Latin alphabet. However, realizing the difficulties for Uzbeks and minorities alike, the Government has delayed the full transition to both Uzbek and the Latin alphabet to 2005.

Section 6. Worker Rights

a. The Right of Association

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

In practice, however, the overall structure of trade unions has not changed significantly since the Soviet era. Independence has eliminated subordination to the Soviet Union or Russia but has not altered the centralized trade union hierarchy, which remains dependent on the Government. No "alternative" central union structures exist. A few new professional associations and interest groups have been organized, such as a union of entrepreneurs, a union of renters, an association of private physicians and pharmacists, and one of lawyers. Their role, degree of independence from the Government, and strength are as yet uncertain. Some of these hope to play a significant role in licensing and otherwise regulating the economic activity of their members.

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 legally described as organizations that defend the right to work and protect jobs. They have lost their previous role in state planning and in the management of enterprises. The emphasis now is on the unions' responsibility for "social protection" and social justice--especially unemployment compensation, pensions, and worker retraining.

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

There were few reports of strikes. Both union and government officials assert that this reflects general support for the Government's policies and common interest in social stability. It probably also reflects the absence of truly representative trade unions as the standard of living fell, and growing unemployment raised social tensions. Worker collectives in rural areas conducted sit-ins and demonstrations for nonpayment of salaries. In most cases, the local government made arrangements for payment, and the groups dispersed peacefully.

The 1992 law on unions provides that unions may choose their own international affiliations.

b. The Right to Organize and Bargain Collectively

Trade unions may conclude agreements with enterprises. Privatization is in its very early phases, so there is no experience yet with negotiations that could be described as adversarial between unions and private employers. With very few exceptions, the State is still 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, and no complaints were registered.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced labor, except as legal punishment or as may be specified by law. Large-scale compulsory mobilization of youth and students (by closing schools) to help with the cotton harvest continues. Young people in rural areas are expected to participate "voluntarily" in harvesting activities of all kinds, and universities still shut down temporarily to send both students and faculty into the fields.

d. Minimum Age for Employment of Children

The minimum working age is 16 years; 15-year-olds may work with permission but have a shorter workday. In rural areas, younger children and the elderly often turn out to help harvest cotton and other crops. The Labor Ministry has an inspection service responsible for enforcing compliance with these and other regulations governing employment conditions.

e. Acceptable Conditions of Work

The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. As of December 1, it was about \$11.00 (600 som) per month. The minimum wage is not sufficient to provide a decent living for a worker and family. The workweek is set at 41 hours per week and includes a 24-hour rest period. Some factories have apparently reduced workhours in order to avoid layoffs. Overtime pay exists in theory but is not always paid.

The Labor Ministry establishes occupational health and safety standards in consultation with the unions. There is a health and safety inspectorate in the Ministry. Workers do leave jobs that are hazardous without apparent jeopardy to continued employment; but 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.

In theory workers may remove themselves from hazardous conditions without jeopardizing their continued employment. In practice high rates of underemployment make this step difficult.

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