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## 2009 Human Rights Report: Uzbekistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

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Uzbekistan is an authoritarian state with a population of approximately 27.6 million. The constitution provides for a presidential system with separation of powers among the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch dominated political life and exercised nearly complete control over the other branches. Of the 150 members of the lower house of parliament, 135 are elected, and 84 of the 100 senators are chosen in limited elections open only to elected members of local councils. The president appoints the remainder. In December 2007, the country elected President Karimov to a third term in office; however, according to the limited observer mission from the Organization for Security and Cooperation in Europe (OSCE), the government deprived voters of a genuine choice. Parliamentary elections took place on December 27. While noticeable procedural improvements were observed, the elections were not considered free and fair due to government restrictions on eligible candidates and government control of media and campaign financing. Civilian authorities generally maintained effective control of the security forces.

The government continued to commit serious abuses and authorities restricted political and civil liberties. Human rights problems included citizens' inability to change their government; tightly controlled electoral processes with limited opportunities for choice; instances of torture and mistreatment of detainees by security forces; incommunicado and prolonged detention; arbitrary arrest and detention; denial of due process and fair trial; poor prison conditions; restrictions on freedom of speech, press, assembly, and association; governmental control of civil society activity; restrictions on religious freedom, including harassment and imprisonment of religious minority group members; restrictions on freedom of movement for some citizens; violence against women; and government-compelled forced labor in cotton harvesting. Human rights activists and journalists who criticized the government were subject to physical attack, harassment, arbitrary arrest, politically motivated prosecution, and forced psychiatric treatment.

#### **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 that the government or its agents committed politically motivated killings.

Family members reported several deaths in custody of prisoners who were serving sentences on charges related to religious extremism. In each such case, family members reported that the body of the prisoner showed signs of beating or other abuse, but authorities pressured them to bury the body before a medical professional could examine it. Reported deaths that fit this pattern during the year included Abdulatif Ayupov (he also suffered from tuberculosis), Ismat Hudoyberdiyev, Negmat Zufarov, and Golib Mullajonov. All had been convicted of crimes related to religious extremism.

On January 22, a credible report cited the deaths in custody from unknown illness of Muhammad Artykov, allegedly one of 23 businessmen involved in the trial that led to the 2005 Andijon events, and alleged Andijon participant Abdurahmon Kuchkarov, although family members reported Kuchkarov was healthy when they saw him a few months before his death. Khoshimjon Kadirov, also arrested after the Andijon events, was reportedly beaten to death in November 2008, but his death was not reported until this year.

On April 30, Nozimjon Mamadaliev, a Kyrgyz citizen living in Ferghana, died in custody. Although the official forensic report stated that he died of natural causes, relatives took photographs of the body that appeared to show signs of severe beating.

Nurillo Maqsudov, the leader of a group in exile that calls attention to the 2005 Andijon massacre, reported in September that four of his relatives died in jail in 2008; he claimed their bodies showed clear signs of torture.

There were no updates in the cases of Odil Azizov, Fitrat Salkhiddinov, Takhir Nurmukhammedov, and two other unnamed prisoners. The courts convicted all of them on charges related to religious extremism, and they reportedly died after being tortured in prison in May 2008 and in 2007.

The government has not agreed to authorize an independent international investigation of the alleged killing of numerous unarmed civilians and others during the violent disturbances in Andijon in 2005. The government claimed, based on its own 2005 investigation, that armed individuals initiated violence by firing on government forces. The estimated number of dead varied between the government's total of 187 and eyewitnesses' reports of several hundred.

#### b. Disappearance

There were no reports of politically motivated disappearances. There continued to be numerous unconfirmed reports of disappearances dating from 2005 of persons who were present at the violent disturbances in Andijon. The welfare and whereabouts of several of the refugees who were forcibly returned to the country during the year remained unknown.

On July 30, unknown Uzbek speakers abducted a citizen refugee and his young son in Kyrgyzstan and reportedly returned them to the country. They interrogated the man for several days, releasing him after he promised to help his abductors find his brother, a human rights activist who may have escaped from prison.

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

Although the constitution and law prohibit such practices, law enforcement and security officers routinely beat and otherwise mistreated detainees to obtain confessions or incriminating information. Torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Prisoners were subjected to extreme temperatures. Observers reported several cases of medical abuse, and one known person remained in forced psychiatric treatment.

In June Human Rights Watch (HRW) concluded that the government had not taken actions in response to a 2007 report from the UN Committee Against Torture that torture and abuse were systematic throughout the investigative process and had not improved since a 2003 UN special rapporteur on torture report drew the same conclusion. The 2007 UN report stated that despite an amendment to the criminal code addressing elements of the definition of torture, punishment for

violations was rare and did not reflect the severity of the crimes. The government responded to these accusations by claiming that the access they had provided to the UN special rapporteur had made it harder to address the issue of abuse, and consequently, future visits by the special rapporteur would be denied.

In November a local human rights organization reported that a former security guard at the British embassy claimed he was beaten into confessing to espionage charges. The former guard also claimed he was tortured with severe cold, fire, electricity, and starvation and was kept in a remand center for nine months before being transferred to a prison facility, during which time his family did not know his location.

In December two sisters serving prison sentences alleged that officers raped and mistreated them in prison. One of the sisters subsequently gave birth to a child in prison. On December 25, the Tashkent City Criminal Court initiated a criminal case against the accused officers.

Authorities convicted and punished 60 Ministry of Internal Affairs officials for wrongdoing.

In January a court upheld the sentencing of four police officers to eight to 17 years' imprisonment for beating to death Angren resident Muzaffar Tuychiyev.

Authorities reportedly gave harsher than normal treatment to individuals suspected of extreme Islamist political sympathies, notably pretrial detainees who were alleged members of banned extremist political organizations Hizb ut-Tahrir (HT) or Nur. Local human rights workers reported that authorities often paid or otherwise induced common criminals to beat suspected extremists and others who opposed the government. Two human rights defenders who were arrested reported beatings in pretrial detention facilities.

There were reports of politically motivated medical abuse. Victims could request through legal counsel that their cases be reviewed by an expert medical board. In practice, however, such bodies generally supported the decisions of law enforcement authorities.

Family members of several inmates, who are considered political prisoners, complained throughout the year of the declining health of the prisoners and asserted that the prisoners' requests for medical evaluation and treatment went unheeded. Among these prisoners were Alisher Karamatov, Yusuf Juma, Solijon Abdurahmanov, and Akzam Turgunov.

There was no update on the case of Jamshid Karimov, a journalist, human rights activist, and nephew of President Karimov, who has remained under forcible detention at Samarkand Psychiatric Hospital since 2006.

#### Prison and Detention Center Conditions

Prison conditions remained poor and in some cases life threatening. There continued to be reports of severe abuse, overcrowding, and shortages of food and medicine. Tuberculosis and hepatitis were endemic in the prisons, making even short periods of incarceration potentially life-threatening. Family members frequently reported that officials stole food and medicine that were intended for prisoners.

There were reports that authorities did not release prisoners, especially those convicted of religious extremism, at the end of their terms. Instead, prison authorities contrived to extend inmates' terms by accusing them of additional crimes or claiming the prisoners represented a continuing danger to society. These accusations were not subject to judicial review.

According to prison officials, the government held approximately 42,000 inmates at 58 detention facilities. Men, women, and juvenile offenders were held in separate facilities.

On April 10, the parliament amended national legislation to allow the human rights ombudsman unfettered access to prisons to monitor conditions. According to this law, authorities at pretrial detention facilities, where many abuses reportedly occurred, are required upon a detainee's request to arrange a meeting between the detainee and a representative from the Human Rights Ombudsman's Office. The law also provides that correspondence between prisoners and the Ombudsman's Office is confidential. In its 2008 report, released in June, the ombudsman reported on 29 prisoner complaints during the year, an increase from four complaints it undertook to resolve in 2007.

In October the International Committee of the Red Cross (ICRC) resumed its visits to detention facilities under the responsibility of the GUIN (penitentiary system under the authority of the Ministry of Interior). This program follows the six-month trial program that the ICRC completed in September 2008. The ICRC reported that unlike the 2008 six-month pilot program, this program was of unlimited duration. There were some reports that high-profile prisoners were transported to alternate facilities just prior to ICRC visits and were returned after the visits were completed.

Several knowledgeable sources reported that authorities had made some progress in the past three years in improving prison conditions, notably in combating the spread of tuberculosis.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, these practices continued.

#### Role of the Police and Security Apparatus

The Ministry of Interior (MOI) controls the police, who are responsible for law enforcement and maintenance of order. The National Security Service (NSS), headed by a chairman who answers directly to the president, deals with a broad range of national security and intelligence issues, including corruption, organized crime, and narcotics. Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. Impunity was a problem, and the government rarely punished officials responsible for abuses. The MOI's main investigations directorate has procedures to investigate abuse internally and to discipline officers accused of rights violations, and it reported that 60 officers had been disciplined. A human rights department formed within the Ministry of Interior has taken actions in some police brutality cases. The Human Rights Ombudsman's Office, affiliated with the parliament, also has the power to investigate such cases.

The MOI's main investigations directorate incorporated human rights training into officers' career development. On November 5, the ministry reported it has provided human rights training to more than 2,000 officers during the year. The OSCE provided training in human rights practices, focusing on basic international human rights documents, to 175 Ministry of Interior officers. The ministry also opened 250 libraries, located in police stations in every district, with human rights literature in both Russian and Uzbek that various international organizations provided. Officers and the public can borrow materials from the library. The ministry has also started an awards program to acknowledge officers who submit their ideas on best practices or articles on human rights issues.

#### Arrest Procedures and Treatment While in Detention

Under the law, any decision to arrest accused individuals or suspects must be reviewed by a judge, and defendants have the right to legal counsel from the time of arrest, although that right is not always strictly observed. The judge conducting the arrest hearing is not allowed to sit on the panel of judges during the individual's trial, and detainees have the right to request a hearing with a judge to determine whether they should remain incarcerated or be released. Within 24 hours of taking a suspect into custody, the arresting authority must notify a relative or close friend of the detention and question the detainee. Suspects have the right to remain silent. Detention without formal charges is limited to 72 hours, although a prosecutor may extend it for an additional seven days, at which time the person must either be charged or released. In

practice judges granted arrest warrants in nearly all cases, and authorities continued to hold suspects after the allowable period through various means. There were complaints that authorities tortured suspects before notifying either family members or attorneys of arrests. The 72-hour period begins only when a suspect is brought to the police station.

Once charges are filed, a suspect may be held in pretrial detention for as long as three months during an investigation. The law permits extension of that period at the discretion of the appropriate court upon a motion by the investigating authority. A prosecutor may release a prisoner on bond pending trial, although in practice authorities frequently ignored these legal protections. Those arrested and charged with a crime may be released without bail until trial on the condition that they provide assurance that they will appear at trial and register each day at a local police station. State-appointed attorneys are available for those who do not hire private counsel.

On March 9, the cabinet adopted a decree requiring that all defense attorneys pass a comprehensive relicensing examination. Among those who did not pass were several experienced and knowledgeable defense lawyers, including noted defense attorney Ruhiddin Komilov, who had represented human rights activists and independent journalists. Rights activists asserted that the change is targeted at defense attorneys who take human rights cases. Several activists facing criminal charges during the year reported difficulties in finding attorneys to represent them. Amendments to the criminal procedure code in 2008 abolished provisions that allowed unlicensed "public defenders" to represent individuals in criminal and civil hearings. Prior to this revision, a human rights defender could serve as a defendant's advocate at trial, particularly in politically sensitive cases or for indigent defenders.

There were reports that police arrested persons on false charges such as extortion or tax evasion as an intimidation tactic to prevent them or their family members from exposing corruption or interfering in local criminal activities.

Authorities continued to arrest persons arbitrarily on charges of extremist sentiments or activities, or association with banned religious groups. Local human rights activists reported that police and security service officers, acting under pressure to break up HT cells, frequently detained and mistreated family members and close associates of suspected HT members. Coerced confessions and testimony in such cases were commonplace.

On July 28, police arrested Oyazimhon Hidirova, a human rights defender active on farmer's issues, on charges of tax evasion and hooliganism, and beat her while she was in custody. On August 31, the government granted her amnesty and released her.

On October 2, officials sentenced Farhad Mukhtarov to five years in prison on what many analysts believe were politically motivated charges of fraud and bribery. Mukhtarov was an active member of the Human Rights Alliance. On December 3, the Tashkent city criminal court reduced Mukhtarov's sentence to four years.

On November 11, police assaulted two human rights activists shortly after they met with a returned political opposition figure. Police detained one of the activists for several hours before releasing him.

On November 24, the Akhunbabaev District Court sentenced Ganikhon Mamatkhanov to five years in prison on what were widely believed to be trumped-up charges of extortion and attempted bribery. Mamatkhanov was a member of the Independent Human Rights Society of Uzbekistan and actively promoted farmers' rights.

Police harassed and sometimes arbitrarily detained members of the opposition Birlik, Free Farmers, Erk, and Birdamlik parties.

During the year pretrial detention typically ranged from one to three months. The number of persons held in pretrial detention was unknown although estimates ranged from approximately 3,400 to 4,000 persons at any one time.

In general prosecutors exercised discretion over most aspects of criminal procedure, including pretrial detention. Detainees had no access to a court to challenge the length or validity of pretrial detention. Even when authorities filed no charges, police and prosecutors sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects.

In March the parliament expanded the number of crimes for which reconciliation procedures may be used. At a conference on legal and judicial reform on June 25, authorities reported that reconciliation procedures were being used more frequently to resolve criminal cases, especially those involving minors, women, and the elderly.

#### Amnesty

On August 28, the senate issued an amnesty decree for 33,354 persons. Amnesty actions included full exemption from further incarceration, transfer to a prison with lighter conditions, or stopping a criminal case at the pretrial or trial stage.

On August 10, operating under a 2008 decree, the government amnestied and released Sattor Irzayev, a member of the Human Rights Society of Uzbekistan who was convicted of libel and extortion in 2005 following the Andijon events.

On November 7, the government amnestied and released well-known businessman and political opposition figure Sanjar Umarov. Umarov served four years in prison following his arrest in October 2005 for allegedly illegal financial dealings.

Local prison authorities have considerable discretion in determining who qualifies for release, as they determine whether a prisoner is "following the way of correction" or "systematically violating" the terms of incarceration. "Violation of internal prison rules" is often cited as a reason for denying amnesty and for extending sentences. Political and religious prisoners often were often found ineligible for amnesty based on these provisions. For example, Jehovah's Witnesses Olim Turayev, Abdubannov Akmedov, and Farrukh Zaripov, convicted in 2008 for activities related to religion, applied for amnesty. Soon thereafter they were found guilty of violating internal prison regulations. According to the terms of the amnesty, all three became ineligible for amnesty. Norboy Kholjigitov, who was widely considered a political prisoner, applied for and was denied amnesty on the basis of alleged administrative violations.

#### e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, the judicial branch took its direction from the executive branch, particularly the general prosecutor's office, and exercised little independence in practice.

Under the law, the president appoints all judges for five-year terms. Removal of supreme court judges must be confirmed by parliament, which in practice complies with the president's wishes.

The Karakalpakstan Supreme Court has jurisdiction over the Karakalpakstan Republic. Decisions of district and provincial courts may be appealed to the next level within 10 days of a ruling. In addition, a constitutional court reviews laws, decrees, and judicial decisions to ensure compliance with the constitution. Military courts handle all civil and criminal matters that occur within the military. The Supreme Court is a court of general jurisdiction that handles selected cases of national significance.

#### Trial Procedures

The criminal code specifies a presumption of innocence. There are no jury trials. Most trials are officially open to the public, although access was sometimes restricted in practice. Trials may be closed in exceptional cases, such as those involving state secrets, or to protect victims and witnesses. Courts often demanded that international observers obtain written permission from the court chairman or from the supreme court. Permission was difficult and time consuming to obtain, but international observers, including foreign diplomats, were granted access to some hearings.

Authorities generally announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only one or two days before the trial began.

Generally, a panel of one professional judge and two lay assessors, selected either by committees of worker collectives or neighborhood committees, presided over trials. The lay judges rarely spoke, and the professional judge usually deferred to the recommendations of the prosecutor on legal and other matters.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. These rights generally were observed, including in high-profile human rights and political cases. In the vast majority of criminal cases prosecutors brought to court, however, the verdict was guilty. Defendants have the right to hire an attorney, and the government provides legal counsel without charge when necessary. State-appointed defense attorneys routinely acted in the interest of the government rather than of their clients. Judges in some cases denied defendants the right to an attorney of choice. There were several reports that investigators pressured defendants to refuse legal counsel. Defense counsel was not always well qualified and, in some cases, the role of defense counsel was limited to submitting confessions and pleas for mercy.

During the year defendants had improved access to qualified defense counsel due to the establishment in 2008 of a 24-hour on-call system. Several private law firms provided qualified defense counsel at no expense, and some were financed through international donors.

Government prosecutors order arrests, direct investigations, prepare criminal cases, and recommend sentences. Although the criminal code specifies a presumption of innocence, in practice the prosecutor's recommendations generally prevailed. If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor may appeal the sentence to a higher court. Verdicts often are based solely on confessions and witness testimony, which are extracted through torture, threats to family members, or other means of coercion. Legal protections against double jeopardy are not applied in practice.

The law provides a right of appeal to defendants. In political cases appeals did not result in reversals of convictions, but in other cases appeals resulted in reduced or suspended sentences.

Defense attorneys had limited access in some cases to government-held evidence relevant to their clients' cases. In most cases, prosecution was based solely upon defendants' confessions or incriminating testimony from state witnesses, particularly in cases involving suspected HT members. Lawyers may, and occasionally did, call on judges to reject confessions and to investigate claims of torture. Judges often did not respond to such claims or dismissed them as groundless.

#### Political Prisoners and Detainees

The government denied that there were any political prisoners, and it was impossible to determine the actual number of prisoners or detainees held on political grounds. Observers estimated that 13 to 25 individuals were political prisoners. While a few political prisoners were released during the year, other individuals were imprisoned on what appeared to be politically motivated charges for crimes such as extortion and hooliganism. Starting in October the government allowed the ICRC to visit prisons, but family members of political prisoners reported that in the past monitors were not given access to political prisoners or detainees.

Family members of Yusuf Juma, a poet sentenced in April 2008 to five years in prison for allegedly assaulting a police officer during a protest, reported repeatedly that his health was deteriorating. Family members also reported that guards continued to torture Juma and that prison administrators often delayed or refused their attempts to visit him.

### Civil and Judicial Procedures and Remedies

Although the constitution provides for it, the judiciary is not independent or impartial in civil matters. Citizens may file suit in civil courts, if appropriate, on cases of alleged human rights violations. There were reported cases in which courts decided in favor of plaintiffs. However, there were also reports that bribes to judges influenced decisions in civil court cases.

Civil courts operate on the city or district level, as well as the interdistrict and provincial levels. There are also supreme civil courts with jurisdiction over the Karakalpakstan Republic.

Economic courts with jurisdiction over the individual provinces, the city of Tashkent, and the Karakalpakstan Republic handle commercial disputes between legal entities. Decisions of these courts may be appealed to the supreme economic court.

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

The constitution and law prohibit such actions ((per p15 instructions)); however, authorities did not respect these prohibitions in practice. The law requires a search warrant for electronic surveillance, but there is no provision for a judicial review of such warrants.

There were reports of police and other security forces entering homes of human rights activists and religious figures without a warrant. Members of Protestant churches who held worship services in private homes reported that on numerous occasions armed security officers raided services and detained church members on suspicion of illegal religious activity.

Citizens generally assumed that security agencies routinely monitored telephone calls and employed surveillance and wiretaps of persons involved in opposition political activities.

The government continued to use an estimated 12,000 neighborhood committees ("mahallas") as a source of information on potential extremists. Committees served varied social support functions, but they also functioned as a link among local society, government, and law enforcement. Mahalla committees in rural areas tended to be more influential than those in cities.

There were credible reports that police, employers, and neighborhood committees harassed family members of human rights activists.

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

#### a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and the press, but the government generally did not respect these rights in practice, and freedom of expression was severely limited.

The law limits criticism of the president, and public insult to the president is a crime punishable by as long as five years in prison. The law specifically prohibits articles that incite religious confrontation and ethnic discord or that advocate subverting or overthrowing the constitutional order.

The law holds all foreign and domestic media organizations accountable for the "objectivity" of their reporting, bans foreign journalists from working in the country without official accreditation, and requires that foreign media outlets be subject to mass media laws. The promotion of religious extremism, separatism, and fundamentalism, as well as the instigation of

ethnic and religious hatred, are all prohibited. It bars legal entities with more than 30 percent foreign ownership from establishing media outlets in the country.

During the year police reportedly arrested some individuals for possessing literature of the banned religious extremist, anti-Semitic, and anti-Western group HT. Police also charged persons for possessing writings of the moderate Nur group.

The Uzbekistan National News Agency (UzA) cooperated closely with presidential staff to prepare and distribute all officially sanctioned news and information. In September UzA reported that more than 1,100 newspapers, magazines, news agencies, electronic media outlets, and Web sites were registered with the Uzbek Agency for Press and Information, which is responsible for monitoring all media. The cabinet of ministers owns and controls three of the country's most influential national daily newspapers, *Pravda Vostoka* (Russian language), *Halq So'zi* (Uzbek language), and *Narodnoe Slovo* (Russian language). The government, or government-controlled political parties or social movements, and the Tashkent municipal government and regional "hokimiyats" (administrations) own or control several other daily and weekly publications. Articles in state-controlled newspapers reflected the government's viewpoint. The main government newspaper published selected international wire stories.

The government also published news stories on official Internet sites including UzA.uz, operated by the National News Agency of Uzbekistan, and Jahonnews.uz, operated by the ministry of foreign affairs (MFA). A few Web sites, most notably Press-uz.info, Gorizont.uz, and Region.uz, purported to be independent, yet their reporting reflected the government's viewpoint.

The government allowed publication of a few private newspapers with limited circulation containing advertising, horoscopes, and similar features and some substantive local news, including infrequent stories critical of government socioeconomic policies. Three private national Russian-language newspapers--*Novosti Uzbekistana*, *Zerkalo XXI Veka*, and *Biznes Vestnik Vostoka*--carried news and editorials exclusively favorable to the central government, as did two Uzbek-language newspapers, *Hurriyat* (owned by the Journalists' Association) and *Mohiyat* (owned by Turkiston-Press, a nongovernmental information agency loyal to the state). Russian Federation newspapers and a variety of Russian Federation tabloids and lifestyle publications were available, and a modest selection of other foreign periodicals was available in Tashkent.

The four state-run channels dominated television broadcasting. Cable and satellite television channels were also widely watched in Tashkent. Numerous privately owned regional television stations and privately owned radio stations were influential among local audiences. The government tightly controlled broadcast and print media. Journalists and senior editorial staff in state media organizations reported that there were officials whose responsibilities included censorship. Government officials allegedly provided verbal directives to journalists not to cover certain events sponsored by foreign embassies. There were reports, however, that regional television outlets broadcast some moderately critical stories on local issues.

The government continued to refuse Radio Free Europe/Radio Liberty, Voice of America, and BBC World Service permission to broadcast from within the country. It also refused to accredit foreign journalists and local correspondents for those or other Western media, including Reuters and the Associated Press.

Harassment against journalists continued during the year. Police and security services subjected print and broadcast journalists to arrest, harassment, intimidation, and violence, as well as to bureaucratic restrictions on their activity.

In June authorities accused eight journalists from *Yetti Iglim* newspaper and *Irmoq* magazine (private, Uzbek language, scientific publications) of membership in the banned Nur religious movement. A court convicted all of the accused, with

their sentences ranging from six and one-half years to 12 years in prison. The journalists, all of whom were graduates of Turkish schools, denied the charges.

On July 30, a court convicted independent journalist Dilmurod Sayid on charges of extortion and bribery and sentenced him to 12.5 years' imprisonment. Sayid's arrest came soon after he published articles regarding corruption of local government officials. Sayid's appeal remained under consideration. A foreign diplomat attempted to attend the initial appeal hearing but was denied entrance.

Independent journalist Salijon Abdurahmanov from Nukus served the first year of his 10-year sentence for what were widely considered politically motivated drug charges. His family reported in July that his health was deteriorating in prison.

On October 28, Reporters without Borders reported that law enforcement officials detained two Tashkent-based journalists crossing the border to Kyrgyzstan. Police questioned the journalists extensively and confiscated audio tapes of their interviews, but allowed them to return to Tashkent following the incident.

During the year there were reports that the government harassed journalists from state-run and independent media outlets in retaliation for their contacts with foreign diplomats. However, more journalists were able to participate during the year at foreign embassy events in Tashkent than in previous years.

Training of international media groups fell under higher scrutiny during the year. In May Charter IV, a Ukrainian nonprofit organization, planned to conduct training sessions for journalists in Tashkent. The government expressed its opposition shortly prior to their planned start, and the organizers cancelled the sessions.

It was unclear if during the year the National Association of Electronic Mass Media continued to use its directors' close relations with the government to persuade local television stations to join the association and occasionally broadcast prescribed government-produced programming, as it reportedly had done in the past.

Government security services and other offices regularly gave publishers articles and letters to publish under fictitious bylines, as well as explicit instructions about the types of stories permitted for publication. Often there was little distinction between the editorial content of a government or privately owned newspaper. There was little independent investigative reporting. The number of critical newspaper articles remained low and their scope narrow. Widely read tabloids, however, were able to publish some articles that lightly criticized government policies and discussed issues viewed as somewhat controversial, such as trafficking in persons.

The criminal and administrative codes impose significant fines for libel and defamation. The government used charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the president or the government.

On December 16, the Uzbek Communication and Information Agency initiated a defamation case against well-known photographer Umida Ahmedova for her work that was included in the documentaries "The Burden of Virginity" and "Customs of Men and Women." The documentaries looked at poverty and gender equality in the country, and the charges alleged that the photographs damaged the country's image.

#### Internet Freedom

The government allowed access to the Internet and reported in September that the number of Internet users in the country was approximately 2.6 million. However, Internet service providers, at the government's request, routinely blocked access to Web sites or certain pages of Web sites the government considered objectionable. The government blocked several domestic and international news Web sites and those operated by opposition political parties.

The media law defines Web sites as media outlets, requiring them, as all local and foreign media to register with the authorities and to provide the names of their founder, chief editor, and staff members. Web sites are not required to submit hard copies of publications, as traditional media outlets are.

A 2007 law requires Internet providers to block access to blogs that discuss any aspect of the country, and according to local journalists, this injunction was enforced. Several online forums remained accessible, however. These forums allowed registered users to post comments and read discussions on a range of social issues facing the country.

A decree requires that all Web sites seeking a "uz" domain register with the state Agency for Press and Information. The decree generally affected only government-owned or government-controlled Web sites. Opposition Web sites and those operated by international NGOs or media outlets tended to have domain names registered outside the country.

#### Academic Freedom and Cultural Events

The government continued to limit academic freedom and cultural events. Authorities occasionally required department head approval for university lectures or lecture notes, and university professors generally practiced self-censorship. Numerous university students reported that universities taught mandatory courses on books and speeches of the president and that missing any of these seminars constituted grounds for expulsion.

Although a decree prohibited cooperation between higher educational institutions and foreign entities without explicit prior approval by the government, foreign institutions often were able to obtain such approval by working with the MFA, especially for foreign language projects. Some school and university administrations continued to pressure teachers and students not to participate in conferences sponsored by diplomatic missions.

On June 27, NSS officials halted the Kyrgyzstan-based American University of Central Asia (AUCA) attempt to conduct an entrance examination in the country by confiscating materials, interrogating students and administrators, and canceling the exam. The university representatives returned to Bishkek without their test materials; the confiscated materials remained with the government. The government stated that the exams were stopped because the AUCA did not have permission from the MFA.

On July 16, government officials shut down a foreign embassy outreach event explaining how to apply to foreign universities.

There were a few instances of individuals choosing not to participate in international exchange programs after being threatened with the loss of their jobs, but there were no reports of individuals actually losing their jobs after participating in such programs. During the year the government expressed concern over a foreign embassy-sponsored high school exchange program, which the embassy suspended. Authorities also cancelled the planned professional development conference for former international educational and professional exchange program participants.

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

##### Freedom of Assembly

The constitution and law provide for freedom of assembly, but in practice the government often restricted this right. Authorities have the right to suspend or prohibit rallies, meetings, and demonstrations for security reasons. The government did not routinely grant the required permits for demonstrations. Citizens are subject to large fines for facilitating unsanctioned rallies, meetings, or demonstrations by providing space or other facilities or materials, as well as for violating procedures concerning the organizing of meetings, rallies, and demonstrations.

Authorities used arrests to prevent or stop peaceful protests. For example, on May 13, Tashkent police dispersed human rights activists who had gathered to commemorate the victims of the 2005 Andijon events by laying a wreath at a popular memorial. About 20 activists tried to take part, but only one activist managed to reach the monument, where he was arrested. On June 10, police arrested five human rights activists when they tried to submit a statement detailing government human rights abuses to the Embassy of the Czech Republic, which at the time held the chairmanship of the European Union.

On October 5 and 15, small groups of human rights activists (five and four, respectively) were detained when they staged demonstrations against the use of child labor in the cotton harvest in the district of Jizzakh.

On November 11, police broke up a small group of persons protesting the alleged torture of a family member in prison.

On November 23, police detained in their homes, brought to police stations, or confiscated the passports of as many as 30 human rights activists who attempted to attend an annual meeting of the opposition party Birdamlik. The meeting, scheduled for the following day, was canceled.

In several other cases, however, human rights activists reported that local residents protested economic conditions, and human rights activists occasionally held small protests, unmolested and apparently without prior permission of the authorities.

#### Freedom of Association

While the law provides for freedom of association, the government continued to restrict this right in practice. The government sought to control NGO activity and has cited the perceived role that internationally funded NGOs allegedly have in fomenting dissent as well as concerns about unregulated Islamic groups. The law broadly limits the types of groups that may be formed and requires that all organizations be registered formally with the government. The law allows for a six-month grace period for new organizations to operate while awaiting registration, during which time they are classified officially as "initiative groups." Several NGOs continued to function as initiative groups for periods longer than six months. The government allowed nonpolitical associations and social organizations to register, but complicated rules and a cumbersome government bureaucracy made the process difficult and allowed opportunities for government obstruction. The government compelled most local NGOs to register with a government-controlled NGO association, the purpose of which was to control all funding and activities. The degree to which NGOs were able to operate varied by region, as some local officials were more tolerant of NGO activities.

The administrative liability code imposes large fines for violations of procedures governing NGO activity, as well as for "involving others" in illegal NGOs. The law does not specify whether "illegal NGOs" are those that were forcibly suspended or closed or those that were simply unregistered. The administrative code also imposes penalties against international NGOs for engaging in political activities, activities inconsistent with their charters, or activities the government did not approve in advance. The government enforced the 2004 banking decree that, although ostensibly designed to combat money laundering, also complicated efforts by registered and unregistered NGOs to receive outside funding.

The government claimed that there were more than 5,000 registered NGOs. Credible sources estimated approximately 300 independent NGOs remained following the closure of more than 300 local NGOs and 17 or more foreign-funded NGOs in the post-Andijon period. The government reported that 290 NGOs received financial support from the government. The government also reported that there were 15 professional unions and 100 sports associations.

Although a 2008 tax code had rescinded tax exemptions for NGOs, NGOs and legal experts successfully lobbied during the year to retain a tax structure favorable to NGOs.

In December 2008 the government officially registered the French NGO ACTED, which focuses on public health issues. This was the first instance when an NGO that was forced to leave the country in 2007 regained its legal status.

On April 30, the Finance Ministry issued an order requiring all humanitarian aid and technical assistance recipients to submit to the ministry information on bank transactions.

The law criminalizes membership in organizations the government deems extremist, including Tablighi Jamaat and other groups branded with the general term "Wahhabi." The law also banned the extremist Islamist political organization HT for promoting hate and praising acts of terrorism. Although HT maintained that it was committed to nonviolence, the party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia to be replaced with a worldwide Islamic government.

The government has pressured and prosecuted members of the Islamic group Akromiya (Akromiylar) since 1997. Independent religious experts claimed that Akromiya was an informal association promoting business along Islamic religious principles. The government claimed that it was a branch of HT and that it attempted, together with the Islamic Movement of Uzbekistan, to overthrow the government through armed rebellion in the 2005 Andijon demonstrations.

### c. Freedom of Religion

The constitution provides for freedom of religion and separation of church and state. In practice, however, the government and laws restricted religious activity, especially for unregistered groups.

A significant majority of the population are Muslims. The government promoted a single version of Islam through the control of the Muftiate, which in turn controlled the Islamic hierarchy and the content of imams' sermons and published Islamic materials. The Religious Affairs Committee, under the cabinet of ministers, oversaw registered religious activity and approved all religious literature. Many sources reported that mosques overflowed for lack of space during Friday prayers. The government allowed a small number of unofficial, independent mosques to operate under the watch of government-sanctioned imams.

The law requires all religious groups and congregations to register and provides strict and burdensome registration criteria, including that each group present to the Ministry of Justice (MOJ) a list of at least 100 national citizen members and that a congregation already have a valid legal address. These and numerous other provisions enabled the government to cite technical grounds for denying a group's registration petition, such as grammatical errors in a group's charter. These provisions mostly affected small, unregistered congregations, especially those viewed as being engaged in missionary activity, which is illegal. In contrast, registered minority congregations faced fewer restrictions on their activities.

Numerous small Protestant churches remained unregistered, including churches in Tashkent, Chirchiq, Samarkand, Nukus, Gulistan, Andijon, and Gazalkent. Most did not apply because they did not expect local officials to register them or because they had too few members to qualify for registration. Often they were afraid to give the authorities a list of their members, especially ethnic Uzbeks. No Baptist church has registered successfully since 1999. No Protestant churches were registered in Karakalpakstan. Only one Jehovah's Witnesses congregation was registered. On February 19, authorities denied the seventh application filed by Jehovah's Witnesses to register a congregation in Tashkent legally. New mosques faced difficulties gaining registration as well.

Any religious service conducted by an unregistered religious organization is illegal. Police frequently dispersed meetings of unregistered groups, which were generally held in private homes, occasionally detaining, imposing fines, and beating members of the groups.

Proselytizing is a crime, as is the teaching of religion without state approval. These provisions resulted in several prosecutions. Jehovah's Witnesses faced arbitrary fines, arrest, and imprisonment on charges of proselytizing or illegally teaching religion. Convicted Jehovah's Witnesses were not allowed to read or possess a Bible in prison.

Christian congregations, that included members of traditionally Muslim ethnic groups, often faced official harassment, legal action, or, in some cases, mistreatment. The Baha'i community faced similar mistreatment. There were reports from Protestant Christians that authorities delayed or denied their exit visas. There were other reports that Christians were questioned and searched when leaving the country to take part in a religious event.

On February 25, the Yakkasaray District Court in Tashkent upheld the convictions of six Jehovah's Witnesses following a police raid of an apartment in which they were meeting. Two persons were jailed for 10 days, one for 15 days, and three were fined the equivalent of 1,400,000 soum (\$1,000).

On February 28, the Mirzo Ulugbek District Court in Tashkent sentenced two Jehovah's Witnesses to 15 days in jail following a meeting that was raided by police.

On July 27, a court sentenced Timur Chekparbayev and one other person to 15 days' detention for proselytizing and missionary activity, following the raid of a study meeting at the Baha'i Center in Tashkent. Authorities brought Chekparbayev, a citizen of Kazakhstan living legally in the country, to the Kazakhstan border and deported him immediately following his detention. The same court fined four other participants of the meeting 16,000 soum each (\$10) on similar charges. The National Spiritual Assembly of the Baha'is of Uzbekistan reported that on August 15, police again entered the Baha'i Center in Tashkent and confiscated hundreds of books.

On October 29, a court found Pavel Peichov, chairman of the Evangelical Christian Baptist Union, and his colleagues Yelena Kurbatova and Dmitri Pitirimov guilty of tax evasion and involving children in religious activities for the operation of a Baptist summer camp for children. The court fined each 260 times the monthly wage, an estimated total of 26,243,100 soum (\$17,280), and prohibited them from participating in any administrative or commercial activity for the next three years. On December 4, the Tashkent City Court granted amnesty for the charges resulting in the fine but left intact the restriction on administrative and commercial activities.

In November a Tashkent district court convicted Igor Morozov, the local representative for the Jehovah's Witnesses in the country, of teaching religion illegally and fined him 3,364,500 soum (\$2,200).

Most Muslims arrested on political charges were tried for anticonstitutional activity and participating in "religious extremist, separatist, fundamentalist, or other banned organizations," a charge that encompasses both political and religious extremism. The overwhelming majority of those arrested on this charge were accused of HT or Nur membership, with a marked increase in the number of arrests and convictions of Nur members. The government commonly arrested members of other groups outside of the control of the official religious authorities and labeled many of them Wahhabi or "extremist." The government states that it does not consider repression of persons or groups suspected of extremism to be a matter of religious freedom, but rather of preventing armed resistance to the government. However, convictions of individuals associated with HT and similar organizations have lacked due process and have also involved credible allegations of torture. Most defendants received sentences ranging from three to 14 years; some received sentences of 16 to 20 years.

On July 6, a Samarkand court sentenced 11 members of Nur between the ages of 19 and 31 to between seven and 11 years in prison.

On November 6, authorities in Karshi arrested one woman and several other persons for allegedly holding an unauthorized religious meeting. The woman reportedly taught a religious course for women at a local mosque, but the

charges arose from a meeting she held in her home. Authorities confiscated films and literature from her home when they arrested her. At year's end no charges had been filed, but she remained in custody.

Authorities severely mistreated persons arrested on suspicion of extremism.

Prison authorities reportedly denied many prisoners suspected of Islamic extremism the right to practice their religion freely and, in some circumstances, did not allow them to possess a Koran. Authorities reportedly punished with solitary confinement and beatings inmates who attempted to carry out religious practices despite prison rules, or who protested the rules.

The law limits religious instruction to officially sanctioned religious schools and state-approved instructors and does not permit private instruction or the teaching of religion to minors without parental consent.

The government controlled the publication, importation, and distribution of religious literature. The government required a statement in every domestic publication indicating the source of its publication authority. Possession of literature deemed extremist could lead to arrest and prosecution. Illegal production, storage, importation, or distribution of religious materials could result in fines of 20 to 100 times the minimum monthly wage for individuals and 50 to 150 times the minimum wage for groups, as well as confiscation and destruction of the literature.

In February, March, and September, documentaries on state-controlled television described Nur as "an extremist sect" that aimed to establish a pan-Turkic state. They also described several convictions for Nur membership with sentences between six and one-half and eight years in prison. In October a documentary critical of Jehovah's Witnesses and of a Baptist congregation aired on state-run television.

There were numerous reports of enforcement of a ban on wearing hijabs (headscarves) in public schools with accusations that some officials forcibly removed them. There were also several reports that girls wearing the headscarves in school were ridiculed by their peers and sometimes by teachers. There were no reports of arrests or harassment of Muslim believers based on outward expressions of their religious belief such as beards, veils, or mosque attendance. The law allows only those serving in religious organizations to wear "cult robes" (religious clothing). In practice this provision did not appear to be enforced.

#### Societal Abuses and Discrimination

Society is generally tolerant of religious diversity but not of proselytizing. In particular, Muslim, Russian Orthodox, Roman Catholic, and Jewish leaders reported high levels of acceptance in society. Other minority religious groups, especially churches with ethnic Uzbek converts, encountered difficulties stemming from social prejudices. There were persistent reports of discrimination against and harassment of ethnic Uzbek Muslims who converted to Christianity. There were some reports of local mosques banning women and persons below 18 from participation in prayer, allegedly based on the directive of local religious leaders.

There were no reports of anti-Semitic acts or patterns of discrimination against Jews. There were eight registered Jewish congregations, and observers estimated the Jewish population to be approximately 10,000 persons, concentrated mostly in Tashkent, Samarkand, and Bukhara. Their numbers were declining due to emigration, largely for economic reasons. There were no reports during the year of HT members distributing anti-Semitic materials.

For a more detailed discussion, see *the 2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for free movement within the country and across its borders, although the government limited this right in practice. On November 23, the government closed the border with Kazakhstan due to concerns over the spread of the H1N1 influenza virus. Citizens could cross the border to Kazakhstan if they carried an invitation from someone in Kazakhstan or for reasons deemed serious, such as for health care or to attend a funeral. Borders are sometimes closed around national holidays due to security concerns. Permission from local authorities is required to move to a new city. The government rarely granted permission to move to Tashkent, and local observers reported that persons had to pay bribes of up approximately 100,000 soum (\$67) to obtain the registration documents required to move.

The government required citizens to obtain exit visas for foreign travel or emigration and, although it generally granted the visas, local officials often demanded bribes. There were reports during the year that the government delayed exit visas for human rights activists to prevent their travel abroad; they also limited their freedom of movement within the country. A government registration system required citizens to obtain a special stamp from local authorities in their place of residence before leaving the country. Citizens generally continued to be able to travel to neighboring states, and the stamp requirement was not uniformly enforced. Land travel to Afghanistan remained difficult. Citizens needed permission from the NSS to cross the border.

Foreigners with valid visas generally could move within the country without restriction.

In October Bahodir Choriev, the leader of the Birdamlik opposition party, returned to the country after living for five years in a western country. Authorities closely monitored his activities and, in several instances, persons with whom Choriev met were questioned or beaten by law enforcement officers. On December 11, authorities deported Choriev. At year's end several other opposition political figures and human rights activists remained in voluntary exile.

Emigration and repatriation were restricted since the law does not provide for dual citizenship. In practice returning citizens had to prove to authorities that they did not acquire foreign citizenship while abroad, or otherwise they would face prosecution. In practice citizens often possessed dual citizenship and traveled without impediment.

The government noted that citizens residing outside the country for more than six months can register with the country's consulates, and such registration was voluntary. However, there were reports that failure to register has rendered citizens residing abroad and children born abroad stateless.

#### Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened due to their race, religion, nationality, membership in a particular social group, or political opinion. As in the previous year, there were reported cases of the government forcibly removing Afghan refugees from the country. In practice the government did not allow the UNHCR to provide assistance to refugees and asylum seekers.

During the first 10 months of the year, the UN Development Program (UNDP) continued to assist with monitoring and resettlement of approximately 600 refugees, most of them Afghans, who remained in the country. The UNDP also performed some of the UNHCR's humanitarian functions, as it has done since the government forced the UNHCR office to close in 2006. The UNHCR assisted refugees from the country who had fled into Kyrgyzstan following the 2005 unrest in Andijon.

During the year there were reports that harassment of Afghan refugees continued. Since 2007 the MFA has not considered UNHCR mandate certificates as the basis for extended legal residence, and persons carrying such certificates

must apply for the appropriate visa or face possible deportation. The government considered the refugees from Afghanistan and Tajikistan economic migrants, and officials sometimes subjected them to harassment and bribery. Most refugees from Tajikistan were ethnic Uzbeks; unlike their counterparts from Afghanistan, those from Tajikistan were able to integrate into and were supported by the local population. Some refugees from Tajikistan were officially stateless or faced the possibility of becoming officially stateless, as many carried only old Soviet passports rather than Tajik or Uzbek passports.

The UNHCR reported that Afghan refugees had no access to the legal labor force and therefore had limited means to earn a livelihood. There have been reports that Afghan refugees frequently decide not to seek police protection or redress through the courts because they fear harassment or retribution from officials.

During the year the government pressured several other countries to forcibly return citizens who were under UNHCR protection abroad.

In January a court in Namangan sentenced Abdumumin Dadakhonov, allegedly the personal driver for a leader of the Islamic Movement of Uzbekistan, to 18 years in prison on charges of religious extremism following his arrest and extradition in 2008 from Ukraine. Rights activists objected to the extradition on the ground that he would be subjected to torture upon his return.

On August 19, the media in Russia reported that a review board of the St. Petersburg city court overturned a decision to extradite Orinboy Ergashev to the country on charges related to religious extremism. The review panel found that extradition would violate the European Convention for the Protection of Human Rights and Fundamental Freedoms, given the possibility that Ergashev would be tortured if returned to his country.

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

The constitution and law provide citizens with the right to change their government peacefully. In practice this was not possible through peaceful and democratic means. The government severely restricted freedom of expression and suppressed political opposition. The government was highly centralized and ruled by President Karimov and the executive branch through sweeping decree powers, primary authority for drafting legislation, and control of government appointments, most of the economy, and the security forces.

#### Elections and Political Participation

In 2008 President Karimov swore himself in for a third term as president after his 2007 reelection in a process that fell short of international democratic norms. The OSCE's limited election observation mission noted that there were more candidates than in previous elections, but all candidates publicly endorsed the incumbent's policies. There was no competition of political views, administrative hurdles kept other potential candidates off the ballot, and the government tightly controlled the media. The OSCE mission noted procedural problems and irregularities in vote tabulation.

The constitution prohibits a president from seeking a third term in office, an apparent contradiction the government has never publicly addressed. The OSCE declined to monitor the 2000 election in which President Karimov was reelected to a second term, determining that preconditions did not exist for it to be free and fair. A 2002 referendum, which multilateral organizations and foreign embassies also refused to observe, extended presidential terms from five to seven years.

Parliamentary elections were held on December 27. Changes to election law ensured that only members of political parties (all of whom supported the president) were eligible to run for office. For the first time, however, the political parties engaged in debate and criticized each other's proposed policies. Election observers noted that the elections themselves appeared to be conducted with fewer irregularities than in previous years. Multiple voting instances were the most

commonly observed problem, attributed to a tradition of "family voting," in which one person casts votes for an entire family.

The total number of registered political parties decreased from five to four in June 2008 after the Milliy Tiklanish ("National Rebirth") party absorbed the Fidokorlar ("Selfless") party. The three remaining registered parties are the People's Democratic Party of Uzbekistan, the Adolat ("Justice") Social-Democratic Party, and the Liberal Democratic Party of Uzbekistan. The government controlled all registered political parties and provided their funding.

The law allows independent political parties, but it also gives the MOJ broad powers to interfere with parties and to withhold financial and legal support to parties that are judged to oppose to the government.

The law makes it extremely difficult for genuinely independent political parties to organize, nominate candidates, and campaign. To register a new party requires 20,000 signatures. The procedures to register a candidate are burdensome. The law allows the MOJ to suspend parties for as long as six months without a court order. The government also exercised control over established parties by controlling their financing and media exposure.

Only registered political parties may nominate candidates. In 2008 the number of deputies in parliament's lower house (the Oliy Majlis) expanded from 120 to 150, with half of the new seats reserved for members of the new "Ecological Movement of Uzbekistan." With this change, 10 percent of the Oliy Majlis members are now appointed rather than elected. All members of the senate are either appointed by the president (16) or chosen in limited elections open only to elected members of local councils (84).

The law prohibits judges, public prosecutors, NSS officials, persons serving in the armed forces, foreign citizens, and stateless persons from joining political parties. The law prohibits 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; those that promote war or social, national, or religious hostility; and those that seek to overthrow the government.

Several political parties were banned or denied registration following the 2005 Andijon events. Former party leaders remained in exile, and their parties struggled to remain relevant without a strong domestic base.

There were 33 women in the 150-member lower chamber of the parliament and 15 women in the 100-member senate. At year's end there was one woman in the 28-member cabinet. In January 2008 Dilorom Toshmuhammedova--leader of the progovernment Adolat Social-Democratic party and one of four officially recognized presidential candidates in the December 2007 election--became the first female speaker of the lower house of parliament, the highest government position a woman has ever held.

At the end of the year, there were nine members of ethnic minorities in the lower house of parliament and 15 minorities in the senate.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged with impunity in corruption.

In 2008 President Karimov signed a law to ratify the United Nations Convention Against Corruption. The law states that all government agencies must provide citizens with the opportunity to examine documents, decisions, and other materials affecting their freedoms. In practice the government has not implemented these rights, although the Prosecutor General's Office formed a working group to address implementation of its obligations under the convention, and the government cohosted with the UN and OSCE a workshop on implementing these obligations.

The World Bank corruption indicators gave the country particularly low marks for accountability and control of corruption, with both indicators dropping over the last five years. The public generally did not have access to government information, and information normally considered in the public domain was seldom reported.

Corruption was a severe problem in the university, law, and traffic enforcement systems. There were several reports that bribes to judges influenced the outcomes of civil suits. On March 24, authorities accused an NGO, Ezgulik, of defamation after it named officials who allegedly requested a bribe from the organization. There were reports that citizens encountered corruption from neighborhood committees ("mahallahas"), frequently paying a bribe to receive social benefit payments that were distributed through the mahallas.

The government reported that investigative agencies prosecuted 1,138 officials for official crimes. As a result, seven officials were disciplined, 624 were dismissed from the positions, and 189 persons were criminally charged for economic crimes including corruption. In May a Tashkent district court sentenced Bahtiyor Sirliboyev, former inspector for crime prevention under the MOI, to seven years in prison for receiving bribes.

On March 23, state-controlled television announced that law enforcement arrested a former officer of the criminal investigation unit in a region of Tashkent. The former official allegedly led a ring of corrupt police who extorted money from citizens under fabricated charges.

A state-controlled newspaper reported on October 12 that the Kashkadarya regional criminal court sentenced a judge from the Shahrisabz district to 10 years in prison for receiving a bribe.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups operated in the country, although they were hampered by a fear of official retaliation. The government frequently harassed, arrested, and prosecuted human rights activists.

The government officially acknowledges two domestic human rights NGOs--Ezgulik and the Independent Human Rights Organization of Uzbekistan. Others were unable to register but continued to function at both the national and local levels. Organizations that attempted to register in previous years and remain unregistered included the Human Rights Society of Uzbekistan, Mazlum ("Oppressed"), and Mothers against the Death Penalty and Torture. These organizations did not exist as legal entities, but they continued to function despite difficulty renting offices or conducting financial transactions. They could not open bank accounts, making it virtually impossible to receive funds legally. Unregistered groups were liable to government prosecution.

Government officials occasionally met with domestic human rights defenders, some of whom noted that they were able to resolve cases of human rights abuses through direct engagement with authorities.

Police and security forces continued to harass domestic human rights activists and NGOs during the year. Security forces regularly threatened and intimidated human rights activists to prevent their activities and dissuade them from meeting with foreign diplomats, and occasionally police and other government authorities ordered activists to cease contact with foreigners. Unknown assailants attacked human rights activists. Authorities regularly detained or arrested human rights activists and subjected them to house arrest or false criminal charges. Government officials publicly accused specific activists of conspiring with international journalists to discredit the government.

Since the 2005 Andijon events, the government severely restricted the activities of international human rights NGOs and subjected their employees to frequent harassment and intimidation. Government officials and the government-controlled media frequently accused international NGOs of participating in an international "information war" against the country.

The government continued to restrict the work of international bodies and foreign diplomatic missions and severely criticized their human rights monitoring activities and policies. The government followed a standard policy of auditing all international NGOs annually. Generally following an audit, the MOJ sent each audited NGO a letter outlining the violations discovered during the process, with a 30-day time limit to resolve the violations.

The government required that NGOs coordinate their training sessions or seminars with government authorities. NGO managers believed this amounted to a requirement for prior official permission from the government for all NGO program activities.

Two foreign-based international NGOs that attained registration in 2008 continued operations, presenting several conferences and trainings with high-level officials and international experts.

HRW remained registered, but it has not resumed operations since the government in 2008 refused to accredit HRW's country director and prohibited him from reentering the country.

In July World Vision announced it would cease operations (effective June 2010) due to the difficult operational environment in the country.

Although the OSCE has been able to do only limited work on human rights issues since 2006, the government approved several proposed OSCE projects during the year, including in the "human dimension," the human rights part of the OSCE's work, to which the government had objected in past years.

The human rights ombudsman, affiliated with parliament, had the stated goals of promoting observance and public awareness of fundamental human rights, assisting in shaping legislation to bring it into accordance with international human rights norms, and resolving cases of alleged abuse. The Ombudsman's Office mediates disputes between citizens who contact it and makes recommendations to modify or uphold decisions of government agencies, but its recommendations are not binding. The ombudsman has offices in all provinces of the country, as well as in the Karakalpakstan Republic and Tashkent. The ombudsman released a report in June for 2008, stating that it received nearly 10,000 petitions and took action in 5,676 cases. The majority of these dealt with the rights to life, freedom, privacy, human treatment, and respect for dignity, as well as the right to a fair trial.

Throughout the year the Ombudsman's Office hosted meetings and conferences with law enforcement, judicial representatives, and limited international NGO participation to discuss its mediation work and means of facilitating protection of human rights.

The National Human Rights Center is a government agency responsible for educating the population and officials on the principles of human rights and democracy and for ensuring that the government complies with its international obligations to provide human rights information. During the year the center responded to the UN Human Rights Council's report on the country's December 2008 Universal Periodic Review, accepting some criticism but denying many of the allegations or stating that the issues were the country's internal affair. International organizations reported cooperation with the center in raising awareness of recent legal reforms among government officials, including the adoption of an antitrafficking law and International Labor Organization (ILO) antichild labor conventions adopted in 2008.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. The constitution prohibits discrimination on the basis of race, gender, and language, but it does not specifically prohibit discrimination on the basis of disability. Societal discrimination against women and persons with disabilities existed, and child abuse persisted.

## Women

The law prohibits rape, including rape of a "close relative," but the criminal code does not specifically prohibit marital rape, and no cases were known to have been tried in court. Cultural norms discouraged women and their families from speaking openly about rape, and instances were almost never reported in the press.

The law does not specifically prohibit domestic violence, which remained common. While the law punishes physical assault, police often discouraged women from making complaints against abusive husbands, and abusers rarely were taken from their homes or jailed. Physical abuse of females was considered a personal affair rather than a criminal act. Such cases were usually handled by family members or elders within the mahallah and rarely came to court. Local authorities emphasized reconciling husband and wife, rather than addressing the abuse.

As in past years, there were reported cases in which women attempted or committed suicide as a result of domestic violence. Information indicates that most cases went unreported, and there were no reliable statistics on the problem's extent. Observers cited conflict with a husband or mother-in-law, who by tradition exercised complete control over a wife, as the usual reason for suicide. NGOs assisting survivors of suicide attempts reported inconsistent cooperation from officials and neighborhood committees.

The law prohibits prostitution; however, it remained a problem. Police enforced the laws against prostitution unevenly; some police officers harassed and threatened prostitutes with prosecution to extort money.

The law does not explicitly prohibit sexual harassment, but it is illegal for someone to coerce a woman with whom he has a business, financial, or other dependent relationship into a sexual relationship. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

Couples and individuals generally may decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. However, there were isolated reports in Khorezm and Andijon of forced sterilization of women who had more than two children.

Contraception generally was available to both men and women. In most districts, maternity clinics were available and staffed by fully trained doctors, who gave a wide range of prenatal and postpartum care. There were some reports that women in rural areas chose in greater numbers than in urban areas to give birth at home, without the presence of skilled medical attendants.

Men and women generally are equally diagnosed and treated for sexually transmitted infections, including HIV.

The law prohibits discrimination based on gender, and the National Women's Committee (NWC) exists to promote the legal rights of women. Women historically have held leadership positions across all sectors, although not with the same prevalence as men, but cultural and religious practices limited their role in society. There were few data to show whether women experienced discrimination in access to employment, credit, or pay equity for substantially similar work.

The NWC is tasked to work with the UNDP on implementation of both the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the 2007 National Action Plan to address recommendations of the CEDAW Committee. The NWC conducts awareness-raising efforts such as a September 23 seminar in Nukus, Karakalpakstan, on protection from discriminative customs, forced and early marriages, and domestic violence. In December the NWC and the MOI jointly conducted training for Tashkent police officers on the protection of women and children, specifically addressing preventing and resolving family conflicts.

## Children

Citizenship is derived by birth within the country's territory (*jus soli*) and from one's parents (*jus sanguinis*). The government generally registers all births immediately.

The law provides for children's rights and for free compulsory education for 12 years through basic and secondary school and does so equally for both boys and girls. In practice shortages and budget difficulties meant many families had to pay education expenses. Teachers earned extremely low salaries and expected regular payments from students and their parents for good grades.

The government subsidized health care, including for children, and boys and girls enjoyed equal access. As with education, low wages for doctors and poor funding of the Soviet era health sector led to a widespread system of informal payments for services; in some cases this was a barrier to access for the poor. With some exceptions, those without an officially registered address, such as street children and children of migrant workers, did not have access to government health facilities.

Child abuse generally was considered an internal family matter, and government officials were reluctant to discuss the issue openly with international organizations. Elders on neighborhood committees frequently took an interest at the local level in line with the committees' responsibilities to maintain harmony and order within the community.

The law states that the minimum age for marriage is 17 for women and 18 for men, but a mayor of a district may lower the age by one year in exceptional cases. Child marriage was not prevalent, although in some rural areas girls as young as 15 were married occasionally in religious ceremonies not officially recognized by the state. According to a 2006 report endorsed by UNICEF and the Uzbek State Statistical Committee, 5 percent of women between the ages of 15 and 19 were married. The same report also found that 12.5 percent of women between the ages of 20 to 49 were married before they became 18.

A statutory rape law states that a child younger than 14 cannot legally consent to having sexual relations with an adult, and the punishment for statutory rape is 15 to 20 years of imprisonment. The production, demonstration, and distribution of child pornography (of persons younger than 21) is punishable by a fine of 100 to 200 times the minimum wage or up to three years' imprisonment.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution. There also were reports that boys were trafficked to Kazakhstan and Russia.

Men are required to serve one year of military duty at the age of 18. A person who is determined by a medical commission to be physically unable to serve is offered "alternative service," which usually means paying 30 percent of one's salary to the Ministry of Defense for one year. University students can defer their service, and some universities have programs that will substitute for military service. There are also options to pay a fee in lieu of service.

#### Trafficking in Persons

The law prohibits trafficking in persons for all purposes; however, there were reports that persons were trafficked to, from, through, and within the country. The government took action to combat this problem.

In 2008 the government strengthened penalties against convicted traffickers. The law, officially titled "Trafficking in Persons," formally defines and criminalizes all severe forms of human trafficking. The base punishment for first-time offenders is three to five years in prison. The punishment increases to eight to 12 years in prison for instances of trafficking two or more persons, using force or threat, recidivism, group conspiracy, abuse of official position, and cases involving the death of trafficking victims. Unlike under the previous code, the new law generally does not grant amnesty to individuals who receive prison sentences of 10 years or more.

The country was primarily a source and, to a lesser extent, a transit point for trafficking women and girls for commercial sexual exploitation and men for labor exploitation. NGOs and the government reported labor trafficking was much more prevalent than trafficking for sexual exploitation and was likely rising due to poor economic conditions.

During the year there were credible reports that women were trafficked to the United Arab Emirates (UAE), China, India, Russia, Kazakhstan, Thailand, Turkey, Ukraine, Indonesia, and Sri Lanka. There were also reports of victims transiting Kyrgyzstan, Kazakhstan, Georgia, and Azerbaijan for other destinations. According to a local antitrafficking NGO, most female trafficking victims were sent to the UAE and Turkey via Azerbaijan and Kazakhstan. Labor trafficking victims, mostly male, typically were trafficked to Kazakhstan and Russia to work in the construction, agricultural, and service sectors. Some transit of trafficked persons also may have taken place from neighboring countries and to or from countries for which the country was a transportation hub--Thailand, Malaysia, Indonesia, India, South Korea, and the UAE. Women between the ages of 17 and 30 were vulnerable to sexual exploitation, and men of all ages were targets for labor trafficking. A local antitrafficking NGO registered 617 cases of human trafficking during the year involving 371 female victims and 246 male victims, compared with 529 in 2008 and 659 in 2007.

Traffickers operating within nightclubs, restaurants, or prostitution rings solicited women, many of whom engaged in prostitution. In large cities such as Tashkent and Samarkand, traffickers used fraudulent newspaper advertisements for marriage and fraudulent work opportunities abroad to lure victims. Travel agencies promising tour packages and work in Turkey, Thailand, and the UAE were also used to recruit victims. In most cases, traffickers confiscated travel documents once the women reached the destination country. Victims of labor trafficking were typically recruited in local regions and driven to Kazakhstan or Russia, where they were often sold to "employers." Traffickers held victims in a form of debt bondage, particularly in the case of those trafficked for sexual exploitation.

Recruiters tended to live in the same neighborhood as the potential victims and often may have known the victims. These recruiters introduced future victims to the traffickers, who provided transportation, airline tickets, visas, and instructions about meeting a contact in the destination country. There were also reports of former victims being used to recruit new victims.

All law enforcement agencies are charged with upholding the antitrafficking provisions of the criminal code. Enforcement appeared to improve during the year. In October the MOI reported that between January and September, authorities opened 959 criminal cases against suspected traffickers: 318 for sex trafficking and 641 for labor trafficking. On September 17, a state publication noted that between January and September, there were 2,941 victims of trafficking in the country.

State-controlled media consistently warned against the risk of being trafficked and reported the convictions of alleged traffickers. For example, on July 29, state-controlled television in Samarkand broadcast a program dedicated to victims of human trafficking, noting that in the first six months of the year, nearly 100 labor migrants from Samarkand died abroad. On September 24, a television station reported in a program dealing with trafficking that authorities uncovered 60 cases of human trafficking in the Ferghana Region in the first eight months of the year, and of that number, 27 charges against 34 persons went to court.

Government offices with responsibility for fighting trafficking included the MOI's Office for Combating Trafficking, Crime Prevention Department, and Department of Entry-Exit and Citizenship; the NSS's Office for Fighting Organized Crime, Terrorism, and Drugs; the Office of the Prosecutor General; the Ministry of Labor; the Consular Department of the Ministry of Foreign Affairs; and the State Women's Committee. A government Inter-Agency Commission on Combating Trafficking in Persons meets quarterly and consists of representatives from the foregoing government entities.

There were no reported investigations of government corruption in trafficking.

There were no reports that the government prosecuted victims of trafficking for illegal migration in the course of being trafficked. There were unconfirmed reports of law enforcement officials involved in trafficking-related bribery and fraud.

Repatriated victims often faced societal and familial problems upon return. Internationally supported NGOs operated two shelters in Tashkent and Bukhara to help victims reintegrate into society. There were no reports of local police harassing shelter residents. The NGO implementer reported a good working relationship with authorities, who often contacted the shelter with new referrals. During the year NGOs reported assisting 336 victims (241 female and 95 male) trafficked for sexual and labor exploitation.

On November 18, the government opened the Republican Rehabilitation Center, which began providing medical, psychological, and legal services for as many as 35 victims of trafficking at any one time. Unlike the two NGO-run shelters, this center provides services to men, as well as women.

The government cooperated with the International Organization for Migration (IOM) to provide assistance to repatriated trafficking victims. The IOM also reported that police, consular officials, and border guards referred women returning from abroad who appeared to be trafficking victims to the organization for services. The government routinely allowed the IOM to assist groups of returning women at the airport, help them through entry processing, and participate in the preliminary statements the victims gave to the MOI.

In several different regions, antitrafficking NGOs, with the participation of law enforcement and local government officials, conducted seminars for orphanages, secondary schools, and higher education institutions; placed antitrafficking notices in local newspapers; and developed informational brochures and educational manuals for teachers and students. In July the IOM completed a three-year project with a local NGO to combat trafficking in persons and protect victims. The program trained approximately 1,300 law enforcement officers in prosecuting trafficking cases and providing assistance to victims. Through this program the government sent delegations on study visits in June to Poland and July to Turkey to meet with counterparts, compare best practices, and improve international communication related to prosecuting trafficking cases and providing assistance to victims.

During the year the government continued to focus on trafficking prevention. A specialized antitrafficking unit in the MOI continued to cooperate with NGOs on antitrafficking training for law enforcement and consular officials. The unit also supported victims who testified against traffickers and organized public awareness campaigns. The Agency for External Labor Migration (under the Labor Ministry) takes anonymous reports of trafficking through two hotlines and via its Web site.

Government-controlled media routinely carried targeted articles and programs raising awareness about the dangers of trafficking for both sexual and labor exploitation. Government-owned television stations worked with local NGOs to broadcast antitrafficking messages and to publicize the regional NGO hotlines that counseled actual and potential victims. The government allowed NGOs to place posters about trafficking hazards on public buses, in passport offices, and in consular offices abroad.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

Persons with Disabilities

On February 27, the government signed the UN Convention on the Rights of Persons with Disabilities. The convention clarifies the rights of persons with disabilities and identifies areas where adaptations must be made to allow persons with disabilities to exercise their rights effectively.

On March 5, an advocate for the rights of persons with disabilities was convicted of bribery and given a suspended sentence of two years and a fine of 12 million soums (\$8,500). Many believe the charges were fabricated as a result of his advocacy and criticism of the government.

There was some societal discrimination against persons with disabilities. The government provided care for persons with mental disabilities in special homes.

In March the cabinet of ministers adopted a resolution that requires medical facilities and all relevant public and private organizations to adopt and implement individual rehabilitation programs for persons with disabilities, to include medical, professional, and social rehabilitation of the disabled.

The Labor Ministry continued to participate in a two-year ACCESS (Accessibility, Civic Consciousness, Employment, and Society Support for Persons with Disabilities) project with several international partners, including the UNDP, UNICEF, the UN Educational, Scientific and Cultural Organization, and the UN Population Fund. The purpose of the project was to combat societal discrimination against persons with disabilities and expand social integration, employment, and inclusive educational opportunities. The program trained NGOs, journalists, government authorities, social workers and employment specialists as well as university students with disabilities.

During the year there were no reports of facilities fined for being inaccessible to persons with disabilities. In 2008 the government amended the law to include provisions imposing fines of up to 70 times the monthly minimum wage for such violations.

Although many public places lacked access for persons with disabilities, there was some wheelchair access throughout the country. The law does not provide effective safeguards against arbitrary or involuntary institutionalization. During the year human rights activists reported that a number of persons with mental or physical disabilities were held at psychiatric hospitals despite showing no signs of mental illness. The Ministry of Health controlled access to health care for persons with disabilities, and the Ministry of Labor and Social Protection facilitated employment of persons with disabilities.

#### National/Racial/Ethnic Minorities

The constitution provides for the right of all citizens to work and to choose their occupation. Although the law prohibits employment discrimination on the basis of ethnicity or national origin, ethnic Russians and other minorities expressed concern about limited job opportunities. Senior positions in the government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions.

The law does not require Uzbek language ability to obtain citizenship, but language remained a sensitive issue. Uzbek is the state language, and the constitution requires that the president speak it. The law also provides that Russian is "the language of interethnic communication." Russian was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual activity is punishable by up to three years' imprisonment. There were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was no known perpetrated or condoned violence against the LGBT community. There were no known reports of official or societal discrimination based on sexual orientation in employment, housing,

statelessness, or access to education or health care, but this may be attributed to the social taboo against discussing homosexual activity rather than to equality in such matters.

#### Other Societal Violence or Discrimination

There was a social stigma against HIV/AIDS patients. Persons living with HIV reported social isolation by neighbors, public agency workers, health personnel, law enforcement officers, landlords, and employers after their HIV status became known. Recruits in the armed services found to be HIV-positive were summarily expelled. The MOI's Department of Corrections continued efforts to raise awareness about the realities of HIV/AIDS in its training for prison staff. The government's restrictions on local NGOs left only a handful of functioning NGOs to assist and protect the rights of persons with HIV/AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

The law provides workers the right to form and join unions of their choice. In practice workers generally did not exercise this right because they believed that, as in Soviet times, attempts to create alternative unions would be quickly repressed. The law declares unions independent of governmental administrative and economic bodies, except where provided for by other laws, for example, those that regulate fund and asset management by the unions. In practice unions remained centralized and dependent on the government. The state-run Board of the Trade Union Federation of Uzbekistan was the largest union, with official reports of 60 percent of employees participating. Although leaders of the federation could be elected by the union board, in reality they are appointed by the president's office. All regional and industrial trade unions at the local level were state-owned. There were no independent unions. The law prohibits discrimination against union members and officers, but this prohibition was irrelevant due to the unions' close relationship with the government.

The law neither provides for nor prohibits the right to strike. There were unconfirmed reports that strikes took place in some factories because of delays in salary payments.

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

Unions and their leaders were not free to conduct activities without interference from the employer or from government-controlled institutions. The law provides the right to organize and to bargain collectively; in practice this right was not exercised. Unions were government-organized institutions that had little power, although they did have some influence on health and work safety issues.

The law states that unions may conclude agreements with enterprises, but because unions were heavily influenced by the state, collective bargaining in any meaningful sense did not occur. The ministry of labor and social protection and the ministry of finance, in consultation with the Council of the Federation of Trade Unions (CFTU), set wages for government employees. In the small private sector, management established wages or negotiated them individually with persons who contracted for employment. There is no state institution responsible for labor arbitration.

The law gives unions oversight for individual and collective labor disputes.

A free trade zone has been established in Navoi, but there are no special laws or exemptions from regular labor law within that zone.

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

The constitution and law prohibit forced or compulsory labor, including by children, except as legal punishment for such offenses as robbery, fraud, or tax evasion, or as specified by law; however, there were reports that such practices occurred, particularly during the cotton harvest, when authorities reportedly compelled medical workers, government personnel, schoolchildren, university students, and others to pick cotton.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Laws exist to protect children from exploitation in the workplace, but those laws were not effectively enforced. The national labor code establishes the minimum working age at 16 and provides that work must not interfere with the studies of those younger than 18. The law establishes a right to a part-time job beginning at age 15, and children with permission from their parents may work a maximum of 24 hours per week when school is not in session and 12 hours per week when school is in session. Children between the ages of 16 and 18 may work 36 hours per week while school is not in session and 18 hours per week while school is in session. Children as young as seven or eight years old worked in family businesses in cities during school holidays and vacations, and children also worked in street vending, services, construction, building materials manufacturing, and transportation. Many schools, particularly in rural areas, closed for six to eight weeks during the fall cotton harvest and sent students to work in the fields.

The government did not invite or allow the ILO to conduct a baseline assessment of child labor in the cotton sector. The government took limited steps during the year to implement its April 2008 adoption of ILO Conventions 182 (On the Worst Forms of Child Labor) and 138 (On the Minimum Age of Employment), its September 2008 adoption of a national action plan on implementation of the ILO Conventions that called for abolishing the mobilization of children for the annual cotton harvest, and the prime minister's 2008 decree banning child labor in the cotton harvest.

On June 10, a local human rights group in Karakalpakstan reported that all students in lyceums, colleges, institutes, and universities were forced to weed cotton fields under conditions of inadequate food, drinking water, and housing.

On June 26, the Ministry of Labor and Social Protection issued a list of jobs with unfavorable working conditions, including cotton picking, in which children younger than 18 cannot be involved.

On December 21, President Karimov signed laws strengthening the penalties for using child labor. Under the new rules, public officials who violate labor legislation involving a minor is subject to a fine of five to 10 times the minimum wage (an increase from two to five times the minimum wage), and private individuals are fined one to three times the minimum wage.

On December 24, the president signed amendments to article 77 of the labor code and to article 20 of the law "On the Guarantees of the Rights of the Child." The new amendments abolish a provision that allowed 14-year-olds to be involved with "light work" that did not interfere with education or hinder the health or development of the child. The minimum age for employment remains at 16, although 15-year-olds may engage in light work with the permission of a parent.

During the year's fall harvest, there were reports that schools closed in the Syrdarya, Gulistan, Tashkent, Khoresm, Jizzakh, Bukhara, and Surhandarya regions. Reports stated that local administrators closed schools and transported students as young as 12 or 13 years of age to work in the cotton fields, but the majority of the students were from grades nine through 12, or generally over age 14. Unlike in the past, classes remained in operation at the younger grade levels. Students made between 70 and 80 soum (\$.05) per kilo (2.2 pounds) of cotton picked and were expected to pick 20 to 40 kilos per day, depending on their age, for a daily wage of between 1,400 and 3,200 soum (\$1.00 to 2.00) per day.

There were several reports that working conditions for children deteriorated during the year, with neither farmers nor the government providing sufficient food, water, or lodging for the children.

Universities also reportedly closed and sent students to work in the fields. One report stated that some university students who refused to work in the cotton fields were expelled, and several others were threatened with expulsion. Teachers and school administrators were expected to participate either as foremen or by picking cotton directly. Other government workers were mobilized to work in the fields.

The government does not allow independent organizations to assess comprehensively child labor in the cotton sector, nor does it provide figures on the use of child labor in the country.

The legislation does not explicitly provide jurisdiction for inspectors from the Ministry of Labor and Social Protection to focus on child labor enforcement. Enforcement of child labor laws is under the jurisdiction of the Labor Ministry, the prosecutor general, and the MOI and its general criminal investigators. There were no known prosecutions for using child labor during the year.

The law provides both criminal and administrative sanctions against violators. The government reportedly reprimanded 150 officials for not complying with national orders to refrain from using child labor but did not provide information about the nature of the sanctions. Enforcement was difficult due in part to long-standing societal acceptance of government-compelled child labor as a method of cotton harvesting.

#### e. Acceptable Conditions of Work

The Ministry of Labor and Social Protection, in consultation with the CFTU, sets and enforces the minimum wage. The minimum wage from August until December was 33,645 soum (\$22) per month; on December 1, it was raised to 37,680 soum (\$25). This did not provide a decent standard of living for a worker and family.

The law establishes a standard workweek of 40 hours and requires a 24-hour rest period. Overtime pay exists in theory, but it was rarely paid in practice.

The Ministry of Labor and Social Protection establishes and enforces occupational health and safety standards in consultation with unions. Reports suggested that enforcement was not effective. Although regulations provide for safeguards, workers in hazardous jobs often lacked protective clothing and equipment. In accordance with the Law on Workers' Safety, workers legally may remove themselves from hazardous work if an employer has failed to provide adequate safety measures for the job. Generally workers did not exercise this right, as it was not effectively enforced and employees feared retribution by employers.

In 2007 the country signed bilateral labor migration agreements with Russia to increase protections on a range of labor rights for the country's labor migrants. Under the agreement, citizens can apply through the Agency on External Labor Migration to receive permits to work legally in Russia. As of September approximately 5,000 persons had taken advantage of the program to work in Russia's agriculture and construction sectors. However, this was a small fraction of the estimated one million or more citizens already working in Russia, most of them illegally. The agency also has enabled more than 3,000 Uzbek citizens to work legally in South Korea. In addition, the Tashkent Employment Bureau established ties with Poland enabling citizens to travel there legally to work in construction.

There were reports that the number of women day laborers had increased, particularly in Khorezm region. In June a local NGO of that district reported that women day laborers fell outside the protection of the law and were hidden from socially oriented programs directed toward the protection and advancement of the rights of women. According to the report, they worked in difficult labor conditions and their health suffered accordingly. The UNDP reported that it was working with the government on a project aimed at protecting the human rights of women involved in labor migration and at increasing the quality of services relevant governmental and nongovernmental bodies provide to women migrant workers.

