2011 Country Reports on Human Rights Practices - Uzbekistan

EXECUTIVE SUMMARY

Uzbekistan is an authoritarian state with a constitution that 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 government. In 2007 the country elected President Karimov to a third term in office in polling that, according to the limited observer mission from the Organization for Security and Cooperation in Europe (OSCE), deprived voters of a genuine choice. Parliamentary elections took place in December 2009. While OSCE observers reported noticeable procedural improvements in comparison to the 2004 parliamentary elections, the 2009 elections were not considered free and fair due to government restrictions on eligible candidates and government control of media and campaign financing. There are four progovernment political parties represented in the bicameral parliament. Security forces reported to civilian authorities.

The most significant human rights problems included: instances of torture and abuse of detainees by security forces; denial of due process and fair trial; and restrictions on religious freedom, including harassment and imprisonment of religious minority group members.

Other continuing human rights problems included: incommunicado and prolonged detention; harsh and sometimes life-threatening prison conditions; arbitrary arrest and

detention (although officials released four high-profile prisoners detained for apparently political reasons); restrictions on freedom of speech, press, assembly, and association; governmental restrictions on civil society activity; restrictions on freedom of movement; violence against women; and government-organized forced labor in cotton harvesting. Authorities subjected human rights activists, journalists, and others who criticized the government to harassment, arbitrary arrest, and politically motivated prosecution and detention.

Government officials frequently engaged in corrupt practices with impunity.

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 arbitrary or unlawful killings.

During the year the government did not authorize an independent international investigation of the alleged killing of numerous unarmed civilians during the violent disturbances in Andijon in 2005. The government stated after its 2005 investigation that armed individuals initiated violence by firing on government forces. The death toll varied between the government's report of 187 and eyewitnesses' reports of several hundred individuals. The government has not held anyone publicly accountable for the civilian casualties.

b. Disappearance

There were no reports of politically motivated disappearances. Unconfirmed reports persisted regarding disappearances of persons who were present at the 2005 violent disturbances in Andijon.

In its 2010 annual report, the UN Working Group on Enforced or Involuntary Disappearances noted that there were no new cases transmitted to the government, but that there were seven outstanding cases from previous years.

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. Sources reported that torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Reported

methods of torture included severe beatings, denial of food, sexual abuse, simulated asphyxiation, tying and hanging by the hands, and electric shock.

The government reported that during the first nine months of the year prosecutors opened nine criminal cases, which resulted in the conviction of 12 law enforcement personnel on charges of torture or other cruel, inhuman, or degrading treatment. There was no information available about the sanctions or sentences handed down.

The UN Human Rights Committee expressed concerns in a March 2010 publication that the country's definition of torture in the criminal code is not in conformity with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the country is a party.

In late October, the parents of Dilshod Shohidov released an open letter to government officials alleging that prison authorities at high security prison 64/46 in Navoi regularly subjected their son to acts of torture and abuse. The letter also alleged that the prison administration employed other inmates to beat Shohidov with truncheons and that during winter months he was handcuffed and forced to stay in his cell naked for several days.

In August and December, relatives of Azam Farmonov, a member of the Human Rights Society of Uzbekistan sentenced to nine years in prison for "swindling" in 2006, reported that he had been subjected to torture and mistreatment during the year. On or about August 15, Captain Shavkat Vaisniyozov and guard Habib Abdullaev of 64/71 in Jaslik allegedly beat and threatened to suffocate Farmonov after he refused to write a statement that he was being treated well. In April prison officials reportedly transferred Farmonov and eight other prisoners from Jaslik to a pretrial detention facility (UYa 64/9) in Nukus for two weeks due to the arrival of a "commission" in Jaslik. Farmonov allegedly was tortured in Nukus as well. Upon return to Jaslik, prison authorities reportedly forced Farmonov to shave with the same razor that five inmates with HIV/AIDS had used.

There was no further information available concerning the 2010 abuse cases of Sanjar Narmuradov, Kurban Kadyrov, Dilshodbek Amanturdiev, or Rustam Usmanov.

Authorities reportedly meted out harsher than typical treatment to individuals suspected of Islamist extremism throughout the year, especially to pretrial detainees who were allegedly members of banned religious extremist political organizations or to the Nur group, which is not officially banned. Local human rights workers reported that authorities often offered payment or other inducements to inmates to beat other inmates suspected of religious extremism.

In contrast to past years, there were no reports of politically motivated medical abuse. Family members of several inmates whom the international community considered political prisoners asserted that officials did not grant prisoners' requests for medical evaluation and treatment. Among these prisoners were Alisher Karamatov, Norboy Holjigitov, Agzam Turgunov, Habibulla Okpulatov, and Dilmurod Sayid.

Prison and Detention Center Conditions

Prison conditions were in some circumstances life-threatening. Reports of overcrowding were common, as were reports of severe abuse and shortages of medicine. Inmates and their families reported that food and water were of poor quality but generally available. There were reports of political prisoners being held in cells without proper ventilation, and prisoners occasionally were subjected to extreme temperatures. Family members of inmates reported incidents of sexual abuse. Family members also reported that officials frequently withheld or delayed delivery of food and medicine intended for prisoners.

In August a group of domestic human rights organizations met with representatives of the Polish Embassy in their capacity as EU president to express concern about the continued use of torture and a rise in sexual abuse against female prisoners. Representatives of the Tashkent-based human rights organization "Ezgulik" presented the results of eight months of monitoring of the penitentiary system, highlighting women's prison 64/7 in the Zangiota district of Tashkent region for widespread accounts of sexual abuse.

Relatives reported the deaths of several prisoners serving sentences, most of which were related to religious extremism. In some cases, family members reported that the body of the prisoner showed signs of beating or other abuse, but authorities pressured the family to bury the body before examination by a medical professional. Reported cases that fit this pattern included the deaths of Ulugbek Gaforov and Abdulfattoh Raimokhunov in January, and Abdumannon Ortiqov in June.

On September 28, the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) reported information received from family members that 51-year-old Ravshan Atabaev died in Navoi prison 64/36 as a result of tuberculosis and torture. Atabaev was sentenced in 2005 to 14 years in prison on a number of charges stemming from participation in the May 2005 events in Andijon. The IGIHRDU also reported that a law enforcement source indicated that between 20 to 30 prisoners sentenced in connection with Andijon die yearly in prison. This information could not be confirmed independently.

There was no further information available concerning the 2010 deaths of Farmon Yiginov and Sunnatillo Zaripov.

According to family members and some nongovernmental organizations (NGOs), authorities failed to release prisoners, especially those convicted of religious extremism, at the end of their terms. Prison authorities often extended inmates' terms by accusing them of additional crimes or claiming that the prisoners represented a continuing danger to society. Trials for such offenses took place within the prisons, and defendants often were not given access to lawyers or relatives. Although it is technically possible for inmates to appeal such decisions, many inmates did not have the expertise to initiate an appeal.

According to 2009 statistics, the government held approximately 42,000 inmates at 58 detention facilities. Men, women, and juvenile offenders were held in separate facilities. There were reports that in some facilities inmates convicted of attempting to overturn the constitutional order were held separately, and prison officials did not allow inmates convicted under religious extremism charges to interact with other inmates. Officials also held former law enforcement officers in a separate facility.

Prison officials generally allowed family members to visit prisoners for up to four hours two to four times per month. There were, however, reports that relatives of prisoners charged with religious or extremism charges were denied visitation rights. Officials also permitted visits of one- to three-days duration, two to four times per year, depending on the type of prison facility. Family members of political prisoners reported that officials frequently delayed or severely shortened visits arbitrarily. The government stated that prisoners have the right to practice any religion or no religion, but prisoners frequently complained to family members that they were not able to observe religious rituals that conflicted with prison scheduling. Such rituals included engaging in traditional Islamic morning prayers. Prisoners also were not allowed access to religious materials.

According to the law, authorities at pretrial detention facilities are required to arrange a meeting between a detainee and a representative from the Human Rights Ombudsman's Office upon a detainee's request. Officials allowed detainees in prison facilities to submit confidential complaints to the Ombudsman's Office and to the Prosecutor General's Office, and both offices were authorized to initiate investigations into complaints. In its 2010 report, the Ombudsman's Office reported it received 16 complaints during the year from prisoners about illegal actions by penitentiary officials. The Ombudsman's Office considered 15 of the complaints and was able to intervene successfully in two cases. The Ombudsman's Office is empowered to make

recommendations on behalf of prisoners, including requesting changes to sentences to make them more appropriate to nonviolent offenders.

The Ministry of Interior (MOI) performs regular inspections of all prison facilities, and representatives of other state bodies, including the parliament, the National Human Rights Center, and the Cabinet of Ministers also are allowed to access the prison system upon request.

The International Committee of the Red Cross (ICRC) monitors facilities under the responsibility of the prison administration, assessing the conditions of detention and the treatment of detainees, although financial and personnel constraints mean that its representatives cannot visit all facilities. The ICRC does not have access to pretrial detention facilities under the authority of the National Security Service (NSS). During the year, the ICRC carried out 37 humanitarian visits, visiting 27,974 detainees held in 25 places of detention. During these visits the ICRC representatives monitored the cases of 986 detainees, including 118 women and 53 minors. The ICRC also facilitated the exchange of 636 Red Cross messages between detainees and their relatives. The ICRC kept its findings confidential and shared them only with the government.

Prison administration officials reported that the World Health Organization had an active tuberculosis program in the prisons both to treat and stop the spread of tuberculosis, and an HIV/AIDS treatment and prevention program has been in place since 2008. Officials reported that hepatitis was not present in high numbers, and hepatitis patients were treated in existing medical facilities and programs.

On September 29, the president signed into law provisions concerning detention during criminal proceedings. The law specifies the rights of detainees, including the right to submit complaints about violations or abuses during detention, meet with their relatives and lawyers, and to personal security. The law forbids discrimination against detainees on the basis of gender, race, nationality, language, religion, social origin, beliefs, personal and social status, as well as torture and other cruel, inhuman, or degrading treatment. It also provides the Ombudsman's Office with unrestricted access to detention facilities and to meet confidentially with detainees.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but authorities continued to engage in such practices.

Role of the Police and Security Apparatus

The government authorizes three different entities to investigate criminal activity: The MOI controls the police, who are responsible for law enforcement and maintenance of order and investigate general crime. The NSS, headed by a chairman who reports directly to the president, deals with a broad range of national security and intelligence issues, including terrorism, corruption, organized crime, and narcotics. Prosecutors investigate violent crimes such as murder, as well as corruption by officials and abuse of power. Where jurisdictions overlap, the agencies determine among themselves which should take the lead. The MOI's main investigations directorate maintained internal procedures to investigate abuses and discipline officers accused of human rights violations, but in practice the government rarely punished officials who committed human rights abuses. A human rights and legal education department within the Ministry of Interior investigated some police brutality cases. The Human Rights Ombudsman's Office, affiliated with the parliament, also had the power to investigate cases, although its decisions on such investigations had no binding authority.

The government reported that during the first nine months of the year, it opened 334 criminal cases against employees of law enforcement bodies. A total of 253 cases were forwarded to the courts and resulted in the conviction of 361 law enforcement employees on charges including abuse of power, negligence, fraud, bribery, and theft.

There was no further information available regarding the disposition of criminal charges brought against 186 employees of law enforcement bodies in 2010 for unstated reasons.

Arrest Procedures and Treatment While in Detention

By law a judge must review any decision to arrest accused individuals or suspects, and defendants have the right to legal counsel from the time of arrest, although officials do not always grant that right in practice.

According to judicial reforms made in 2008, detainees have the right to request hearings before a judge to determine whether they remain incarcerated or are released. The arresting authority is required to notify a relative of the detainee about the detention and to question the detainee within 24 hours of being taken into custody. Suspects have the right to remain silent. Detention without formal charges is limited to 72 hours, although a prosecutor can request an additional 48 hours, after which time the person must be charged or released. Implementation of these reforms has been slow. In practice judges granted arrest warrants in most cases, and authorities continued to hold suspects after the allowable period of time. The judge conducting the arrest hearing was allowed to sit on the panel of judges during the individual's trial. There were complaints that authorities tortured suspects before notifying either family members or attorneys of their arrests.

Once authorities file charges, suspects can be held in pretrial detention for up to three months while investigations proceed. The law permits an extension of the investigation period for up to one year 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.

In 2009 the Cabinet of Ministers adopted a decree requiring that all defense attorneys pass a comprehensive relicensing examination. Several experienced and knowledgeable defense lawyers who had represented human rights activists and independent journalists lost their licenses in the process. As a result, several other activists and defendants faced difficulties in finding attorneys to represent them. Amendments to the criminal procedure code in 2008 abolished provisions that allowed unlicensed advocates to represent individuals in criminal and civil hearings. However, a court has the discretion to allow such an advocate if the advocate belongs to a registered organization.

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

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

The IGIHRDU reported in early August on the arrests of Kholmurod Shokirov, Zaynobiddin Mamatov, Zayniddin Israilov, Botir Navruzov, and Yuldash Ergashev reportedly on charges related to religious extremism. In the case of Shokirov, the IGIHRDU alleged that police officers Uktam Ibragimov and Ulugbek Mamasoliev falsified arrest documents and Buka District Criminal Court Judge O.I. Ismoilov approved 10 days' detention in a hearing that took place without lawyers or witnesses. Detention authorities allegedly threatened and tortured Shokirov while he was in custody in the MOI pretrial detention facility in Tashkent Region.

Pretrial Detention: In general prosecutors exercised discretion over most aspects of criminal procedures, 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 frequently sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects. In September human rights organizations reported that the authorities were also classifying some detainees whose residences were in fact established as "homeless" or "John Does" since the law provides for detention of up to 30 days while the police establish individuals' identities. During the year pretrial detention typically ranged from one to three months. The government did not provide the number of persons held in pretrial detention centers.

Amnesty: On December 5, the Senate approved a prisoner amnesty. According to its terms, women, underage offenders, men over age 60, foreign citizens, and persons with disabilities or documented serious illnesses were eligible. The bill also included first-time offenders convicted of participation in banned organizations and the commission of crimes against peace or public security who "have firmly stood on the path to recovery." Amnesty options included release from prison, transfer to a work camp, or termination of a criminal case at the pretrial or trial stage.

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. Officials often cited "violation of internal prison rules" as a reason for denying amnesty and for extending sentences. Officials often determined that political and religious prisoners were ineligible for amnesty based on these provisions. During the year family members reported that two imprisoned journalists – Dilmurod Sayid and Salijon Abdurakhmanov – were accused of breaking the rules of the institutions where they were incarcerated and expressed concern that this would make them ineligible for an amnesty.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, the judicial branch often took direction from the executive branch.

Under the law the president appoints all judges for renewable five-year terms. Removal of Supreme Court judges must be confirmed by parliament, which in practice generally complied with the president's wishes.

Trial Procedures

The criminal code specifies a presumption of innocence. There are no jury trials. Most trials officially are open to the public, although access was sometimes restricted in

practice. Judges may close trials 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 before being allowed to observe proceedings. Judges granted international observers, including foreign diplomats, access to certain hearings. Authorities generally announced trials only one or two days before they began.

Generally, a panel of one professional judge and two lay assessors, selected by committees of worker collectives or neighborhood committees, presided over trials. The lay judges rarely spoke, and the professional judge usually accepted prosecutor recommendations on procedural rulings and sentencing.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. The government generally observed these rights, including in high-profile human rights and political cases. In the vast majority of criminal cases brought to court, the verdict was guilty.

Defendants have the right to hire an attorney, and the government improved access to attorneys after establishing a 24-hour on-call system in 2008. The government provides legal counsel without charge when necessary. According to reports, state-appointed defense attorneys acted routinely in the interest of the government rather than of their clients.

By law a prosecutor must request an arrest order from a court, but it was rare for a court to deny such a request. Prosecutors have considerable power after obtaining an arrest order; they direct investigations, prepare criminal cases, and recommend sentences. The prosecutor decides whether a suspect is released on bail or stays in pretrial detention after formal charges are filed. Although the criminal code specifies a presumption of innocence, in practice a prosecutor's recommendations generally prevail. If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor may appeal the sentence to a higher court. Judges often base their verdicts solely on confessions and witness testimony, which may be 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 all defendants, but appeals rarely resulted in reversals of convictions. In some cases, however, appeals resulted in reduced or suspended sentences.

Defense attorneys may access government-held evidence relevant to their clients' cases once the initial investigation is completed and the prosecutor files formal charges.

There is an exception, however, for evidence that contains information that if released could pose a threat to state security. As was the case in previous years, courts invoked that exception, leading to complaints that its primary purpose is to allow prosecutors to avoid sharing evidence with defense attorneys. In many cases, prosecution was based solely upon defendants' confessions or incriminating testimony from state witnesses, particularly in cases involving those accused of religious extremism. Lawyers may, and occasionally did, call on judges to reject confessions and investigate claims of torture. Judges often did not respond to such claims or dismissed them as groundless.

Political Prisoners and Detainees

International and domestic human rights organizations estimated that authorities held 10 to 25 individuals on political grounds, but the government asserted that these individuals were convicted for violating the law. Officials released four high-profile prisoners – Yusuf Juma, Maxim Popov, Norboy Holjigitov, and Jamshid Karimov – during the year. Family members of several political prisoners reported abuse in prison and deterioration of the prisoners' health.

According to Ezgulik, in August trials began for approximately 10 of 28 individuals extradited to Uzbekistan from Kazakhstan in June. The individuals, who claimed refugee status in Kazakhstan but were denied, were accused of involvement in bombings that took place in Tashkent in 1999 and in the 2008 attack on Tashkent Imam Anvar Qori Tursunov, as well as participation in the banned Jihadisti (Jihodchilar) religious group.

In January the Angren Criminal Court sentenced Matlyuba Kamilova, a human rights activist and school principal from Angren, to 11 years in prison for drug possession. An appeals court reduced the sentence to eight years and at year's end Kamilova was held at the women's prison in Zangiota. Friends of Kamilova previously asserted that police planted the drugs in her purse in retaliation for her efforts to expose police corruption.

During the year an appeals court confirmed the September 2010 decision by a Tashkent court to fine human rights activist Anatoly Volkov 1.5 million soum ($715) for "swindling" money from a 90-year-old pensioner. Observers believed the charges were in retaliation for Volkov's human rights activities. Volkov appealed the decision on September 22, but the court did not issue a decision by year's end. According to Volkov, the court considered the appeal in his absence, and he learned of the decision afterwards. He planned to appeal and request a new investigation.

Civil 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 isolated reports that bribes to judges influenced civil court decisions; for example, in late October, police detained Sulaimon Akbarov, a judge with the Rishton Interdistrict Civil Affairs Court, and charged him with soliciting a bribe of 2.1 million soum ($1,000) to decide a case in favor of one of the parties.

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

Although the constitution and law forbid such actions, authorities did not respect these prohibitions in practice. The law requires a search warrant for electronic surveillance, but there is no provision for judicial review of such warrants.

There were reports that police and other security forces entered the homes of human rights activists and members of some religious groups without a warrant. On numerous occasions, members of Protestant churches who held worship services in private homes reported that armed security officers raided services and detained and fined church members for religious activity deemed illegal under the administrative or criminal code. For example, on July 28, the Gulistan Municipal Criminal Court convicted nine members of an unregistered Baptist church in Gulistan of unregistered religious activity and illegal teaching of religion and issued fines ranging from 50,000 to five million soum ($24 to $2,400).

Human rights activists and political opposition figures generally assumed that security agencies covertly monitored their telephone calls and 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 located in cities.

There were credible reports that police, employers, and mahalla committees harassed family members of human rights activists. After human rights activist Tatiana Dovlatova participated in a controversial Russian TV program about the status of the ethnic Russian minority in the country, local authorities stripped her brother of his handicapped status and pension, her common-law husband was fired from his job, and police arrested her son on drug charges. Dovlatova claimed that these events were part of a government campaign targeting her.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

Freedom of Speech: The constitution and law provide for freedom of speech and press, but the government did not respect these rights in practice, severely limiting freedom of expression.

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

Freedom of Press: The law holds all foreign and domestic media organizations accountable for the accuracy 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 government prohibits the promotion of religious extremism, separatism, and fundamentalism, as well as the instigation of ethnic and religious hatred. It bars legal entities with more than 30 percent foreign ownership from establishing media outlets in the country.

Articles in state-controlled newspapers reflected the government's viewpoint. The main government newspapers published selected international wire stories. The government allowed publication of a few private newspapers with limited circulation containing advertising, horoscopes, and some substantive local news, including infrequent stories critical of government socioeconomic policies.

The government published news stories on the official Internet sites of various ministries. A few purportedly independent Web sites consistently reported the government's viewpoint.

The four state-run channels dominated television broadcasting. Numerous privately owned regional television stations and privately owned radio stations were influential among local audiences.

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

On August 22, Tashkent International Airport security authorities detained independent journalist Elena Bondar for four hours upon her return from Bishkek, where she attended

journalism courses sponsored by the OSCE Academy and Deutsche Welle. Border control and customs officers searched Bondar and confiscated CDs, two video-cassettes, and a USB-drive for further inspection. Authorities opened administrative proceedings against Bondar for failure to declare goods but later dropped the charges. In September she came under pressure for failing to have a residency permit (propiska) for Tashkent.

As in past years, the government harassed journalists from state-run and independent media outlets in retaliation for their contact with foreign diplomats, specifically questioning journalists about such contact. Some journalists refused to meet with foreign diplomats face-to-face because doing so in the past resulted in harassment and questioning by the NSS.

Censorship or Content Restrictions: Journalists and senior editorial staff in state media organizations reported that there were officials whose responsibilities included censorship. There continued to be reports that government officials and employers provided verbal directives to journalists to refrain from covering certain events sponsored by foreign embassies and in some cases threatened termination for non-compliance. There were reports, however, that regional television outlets broadcast some moderately critical stories on local issues such as water, electricity, and gas shortages, as well as corruption and pollution.

The government continued to refuse Radio Free Europe/Radio Liberty (RFE/RL), Voice of America, and BBC World Service permission to broadcast from within the country. It also continued to use accreditation rules to deny foreign journalists and media outlets, as well as international NGOs, the opportunity to work in the country.

Libel Laws/National Security: 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 August 5, the Cabinet of Ministers adopted a decision to create an "Expert Commission on Information and Mass Communication" to analyze whether publications adhere to legislative requirements to protect privacy, prevent a "destructive negative information-psychological impact on citizens' perceptions, and preserve and support national cultural traditions and heritage." Journalists and human rights activists warned that these provisions could be misused to silence dissenting views.

As of year's end, the Supreme Court had yet to rule on the appeal submitted in May 2010 by photographer Umida Ahmedova, whom a Tashkent court found guilty in February 2010 of defaming the Uzbek people through a book of photography and a documentary film; the court immediately granted her amnesty from punishment.

Publishing Restrictions: Government security services and other offices regularly directed publishers to print articles and letters under fictitious bylines and gave 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. Journalists engaged in little independent investigative reporting. The number of critical newspaper articles remained low and narrow in their scope. Widely read tabloids, however, were able to publish some articles that presented mild criticism of government policies or which discussed some problems that the government considered sensitive, such as trafficking in persons.

Internet Freedom

The government generally allowed access to the Internet, including social media sites. However, Internet service providers, allegedly 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. Beginning on August 9, more than 60 Internet sites, including the *Financial Times*, the *New York Times*, Reuters, Reporters without Borders, and a number of Russia-based news media, were inaccessible for a number of days.

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

Several active online forums allowed registered users to post comments and read discussions on a range of social issues facing the country. In order to become a registered user in these forums, individuals needed to provide personally identifiable information. It is not clear whether the government attempted to collect this information. At the beginning of September, the country unveiled a new government-sponsored social media site – Muloqot – that requires users provide a registered local cell phone number in order to gain full access to the site. Civil society activists claimed that the government monitored and censored the site by directing the deletion of the accounts of users who posted RFE/RL content, which is blocked.

A decree requires that all Web sites seeking ".uz" domain must 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.

Some human rights activists believed that their e-mail was monitored by the government, but there was no corroborating evidence to support those claims.

Academic Freedom and Cultural Events

The government continued to limit academic freedom and cultural events. In August local authorities in Tashkent forced the closure of an art exhibition of young artists organized by photographer Umida Ahmedova. Authorities occasionally required department head approval for university lectures or lecture notes, and university professors generally practiced self-censorship. Numerous 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.

In October, according to news reports citing a unnamed member of Uzbekkino, the national film association, members of the NSS warned the country's leading writers, painters, musicians, and drama and film professionals against using religious themes in their work during a meeting held at the State Academic Drama Theater.

Although a decree prohibits cooperation between higher educational institutions and foreign entities without the explicit prior approval of the government, foreign institutions often were able to obtain such approval by working with the Ministry for Foreign Affairs (MFA), especially for foreign language projects. Some school and university administrations, however, continued to pressure teachers and students to refrain from participating in conferences sponsored by diplomatic missions.

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 often did not 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 dispersed and occasionally detained those involved in peaceful protests, and sometimes pressed administrative charges as a result of protest actions. Among many examples was police action on June 27, when police detained former television journalists Malohat Eshonqulova and Saodat Omonova in the front of the presidential

administration as they demonstrated in an attempt to seek a meeting with the president. Police transported Eshonqulova and Omonova to the Yakkasaroy District Criminal Court where Judge Shamshutdinova fined them each 2.94 million soum ($1,400) for violating the procedures for organizing meetings, rallies, and demonstrations. Human rights groups reported that the hearing lasted 10 minutes and was held without the defendants' lawyer. In protest, Eshonqulova and Omonova undertook a hunger strike, which lasted for approximately two weeks.

On July 15, the Mirzo Ulugbek District Court in Tashkent fined a locally employed staff member of the British Embassy an amount equal to 80 monthly minimum wages (approximately 4.5 million soum or $2,100) for conducting an unsanctioned meeting. The charges, which were upheld on appeal, stemmed from civil society workshops organized on the premises of the British embassy.

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 expressed concerns about internationally funded NGOs and unregulated Islamic and minority religious groups. There are strict legal restrictions on the types of groups that may be formed, and the law 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 from the Ministry of Justice, during which time the government officially classifies them as "initiative groups." Several NGOs continued to function as initiative groups for periods longer than six months.

NGOs that intend to address sensitive issues such as HIV/AIDS or refugee issues often faced increased difficulties in obtaining registration. The government allowed nonpolitical associations and social organizations to register, but complicated rules and a cumbersome bureaucracy made the process difficult and allowed opportunities for government obstruction. The government compelled most local NGOs to join a government-controlled NGO association that allowed the government some control over the NGOs' funding and activities. The degree to which NGOs were able to operate varied by region because 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 the government suspended or closed or those that were 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

increased efforts to enforce 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 Ministry of Justice requires NGOs to submit detailed reports every six months on any grant funding received, events conducted, and planned events for the next period.

The Finance Ministry required humanitarian aid and technical assistance recipients to submit information about their bank transactions.

The law criminalizes membership in organizations the government broadly deems "extremist." The law also bans the extremist Islamist political organization Hizb-ut Tahrir, stating it promotes hate and condones acts of terrorism.

c. Freedom of Religion

See the Department of State's *2010 International Religious Freedom Report*.

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

In-country Movement: The constitution and law provide for freedom of movement within the country and across its borders, although the government limited this right in practice. The government at times delayed domestic and foreign travel and emigration during the visa application process. Borders occasionally were closed around national holidays due to security concerns. Permission from local authorities is required to move to Tashkent City or Tashkent Region, although authorities rarely granted such permission without the payment of bribes.

Foreign Travel: Citizens are required to have a domicile registration stamp in their passport before traveling domestically or leaving the country. The government also requires citizens and foreign citizens permanently residing in the country to obtain exit visas for foreign travel or emigration, although it generally grants the visas. In July the Cabinet of Ministers adopted amendments to exit visa procedures that allowed denial to travel on the basis of "information demonstrating the inexpedience of the travel." According to civil society activists, these provisions were poorly defined and such decisions could not be appealed. In addition, ostensibly in an effort to combat trafficking in persons, the country introduced regulations that required male relatives of women age 18 to 35 to submit a statement pledging that the women would not engage in illegal behavior, including prostitution, while abroad.

As in past years, although the law prescribes that a decision should be reached within 15 days, there were reports that the government delayed exit visas for human rights activists and independent journalists to prevent their travel abroad. For example, during the year authorities subjected human rights activists Dmitriy Tikhonov and Vladimir Khusainov, and independent journalist Abdumalik Boboev to such delays, although Tikhonov and Boboev eventually received visas after waiting 10 and four months, respectively. In August the government refused to issue an exit visa to human rights activist Tatiana Dovlatova, citing her January conviction on hooliganism charges.

Citizens generally continued to be able to travel to neighboring states. Land travel to Afghanistan remained difficult. Citizens needed permission from the NSS to cross the border.

The government requires hotels to register foreign visitors with the government on a daily basis. Foreigners who stay in private homes are required to register their location within three days of arrival. Government officials closely monitor foreigners in border areas, but foreigners generally can move within the country without restriction.

Emigration and Repatriation: The law does not provide for dual citizenship. In theory, returning citizens must prove to authorities that they did not acquire foreign citizenship while abroad or face loss of citizenship. In practice citizens who possessed dual citizenship generally traveled without impediment.

The government noted that citizens residing outside the country for more than six months could register with the country's consulates, and such registration was voluntary. Unlike in some previous years, there were no reports that failure to register rendered citizens residing abroad and children born abroad stateless.

Protection of Refugees

Access to Asylum: The country's 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.

Nonrefoulement: 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 during the previous year, there were no reported cases of the government forcibly removing Afghan refugees from the country.

During the year, in the absence of a UN High Commissioner for Refugees (UNHCR) presence, the UN Development Program (UNDP) continued to assist with monitoring and resettlement processing of 173 pending (predominantly Afghan) refugee cases, which predated the closure of the UNHCR in 2006. During the year the UNDP completed processing 60 cases involving 97 people. Because the UNDP does not process new claims or make refugee status determinations, it refers potential applicants to the UNHCR offices in neighboring countries.

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 either tourist visas or residence permits or face possible deportation. Residence permits were difficult to obtain, and there were cases during the year when law enforcement bodies revoked residence permits, forcing refugees to leave the country. The government considered the UNHCR mandate refugees from Afghanistan and Tajikistan to be economic migrants, and officials sometimes subjected them to harassment and bribery. Most refugees from Tajikistan were ethnic Uzbeks; unlike refugees from Afghanistan, those from Tajikistan were able to integrate into the local communities, and the local population supported them. 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. Children born to two stateless parents receive the country's citizenship only if both parents have a residence permit.

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 the government severely restricted freedom of expression and suppressed political opposition. President Karimov ruled a highly centralized government through sweeping decree powers, primary authority for drafting legislation, and control over government appointments, most of the economy, and the security forces.

Elections and Political Participation

Recent Elections: In 2008 President Karimov began a third term as president as a result of elections held in 2007 that did not meet international democratic standards. The constitution prohibits a president from seeking a third term in office, an apparent contradiction the government has never addressed publicly. The OSCE's limited election observation mission noted that while there were more candidates than in previous elections, all candidates publicly endorsed President Karimov's policies and that there were procedural problems and irregularities in vote tabulation.

Political Parties: The law allows independent political parties, but the Ministry of Justice has broad powers to oversee parties and to withhold financial and legal support to parties that they judge as being opposed 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 Ministry of Justice 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.

The law prohibits judges, public prosecutors, NSS officials, those 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, security of the country, or 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.

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

Participation of Women and Minorities: There were 33 women in the 150-member lower chamber of the parliament, including the speaker Dilorom Toshmuhammedova, and 15 women in the 100-member senate, along with two women in the 28-member cabinet.

There were 11 members of ethnic minorities in the lower house of parliament and 11 members of ethnic minorities in the senate.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The government reported that during the first nine months of the year the courts convicted 460 government officials of corruption-related charges, 371 of whom were sentenced to prison.

On October 4, the official newspaper *Pravda Vostoka* reported that during the first six months of the year, the Public Prosecutor's Office initiated more than 60 criminal cases against officials accused of bribery, misappropriation of property, and forgery in public office. These cases resulted, amongst others, in the convictions of R. Gulyamov, mayor

of Olmaliq; E. Muhammadiev, mayor of Farish District; and Rashid Nurmatov, former deputy mayor of Kokand, for economic and social issues.

In late November civil society activists and the mass media reported that M. Shukurullaev, a judge with the Jizzakh Region Criminal Court, had been arrested for bribery. At year's end, there was no additional information available concerning the status of the case.

Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. For example, the Web site uzmetronom.com reported on September 17 that the NSS detained Colonel M. Egamberdiev, deputy head of investigations for the Mirabad Police Department in Tashkent, as he received a bribe. According to the government, 157 law enforcement officials were convicted on corruption-related charges during the first nine months of the year, representing a substantial increase over previous years.

The public did not generally have access to government information, and the government seldom reported information normally considered in the public domain.

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. In October there was a series of media reports about the prevalence of corruption, primarily by customs officials, at the airports.

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 the government often hampered their activities by creating fear of official retaliation. The government frequently harassed, arrested, and prosecuted human rights activists. Unlike in past years, there were no reports that activists were under house arrest or strict control of law enforcement officers around the September 1 Independence Day holiday.

The government officially acknowledged 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. For example, in May the Humanitarian Legal Center in Bukhara submitted its fifth registration application in the past two years and was denied without explanation. The NGO continued to conduct activities, however, and local authorities even participated in round table discussions on certain topics.

Organizations that attempted to register in previous years and remained unregistered included the Human Rights Society of Uzbekistan, the Expert Working Group (EWG), and Mazlum ("Oppressed"). These organizations did not exist as legal entities but continued to function despite difficulty renting offices and conducting financial transactions. They could not open bank accounts, making it virtually impossible to receive funds legally. Unregistered groups were vulnerable to government prosecution. In rare cases, however, government representatives participated with unregistered groups in certain events.

Government officials spoke informally 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.

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.

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; occasionally police and other government authorities ordered activists to cease contact with foreigners.

There continued to be occasional attacks against human rights activists. For example, on October 3, Bahtiyor Elmuradov, director of School Number 1 in the Zarbdar district of Jizzakh region, reportedly beat Ziyodullo Razokov, chairman of the International Society for Human Rights of Uzbekistan branch in Jizzakh region and a teacher at School Number 1. The attack allegedly occurred in response to an interview that Razokov gave regarding the involvement of his students in the cotton harvest. Razokov filed a complaint with the police on October 4, and on November 28 the Jizzakh District Criminal Court found Elmuradov guilty of inflicting minor injuries and libel and fined him approximately 567 thousand soum ($270).

In June the government closed the local office of Human Rights Watch following a Supreme Court decision. The organization, which sought to contribute to the country's implementation of its international commitments to further develop democracy and civil society, had not been able to obtain accreditation for an international staff person since 2008.

On August 15, police in the Pakhtakor District of Jizzakh Region detained Human Rights Society of Uzbekistan activist Saida Kurbanova for several hours, reportedly in connection with a libel investigation stemming from an article she wrote about the

difficulties citizens face when using state-issued bank cards. Kurbanova alleged that the police, including Akmal Johanov, Pakhtakor district deputy police chief, threatened and mistreated her, physically dragging her up the stairs at one point. The police denied these allegations.

UN and Other International Bodies: The government continued to restrict the work of international bodies and severely criticized their human rights monitoring activities and policies.

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 component of the OSCE's work.

Government Human Rights Bodies: The Human Rights Ombudsman's Office stated that its goals included 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. More than 40 percent of the more than 10,000 complaints received by the ombudsman during 2010 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.

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

The law and constitution prohibit discrimination on the bases of race, gender, disability, language, and social status. Nonetheless, societal discrimination against women and persons with disabilities existed, and child abuse persisted.

Women

Rape and Domestic Violence: The law prohibits rape, including rape of a "close relative," but the criminal code does not specifically prohibit marital rape, and the court did not try any known cases. Cultural norms discouraged women and their families from speaking openly about rape, and the press rarely reported instances of rape.

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 partners, and officials rarely removed abusers from their homes or took them into custody. Society considered the physical abuse of women to be a personal affair rather than a criminal act. Family members or elders usually handled such cases, and they rarely came to court. Local authorities emphasized reconciling husband and wife, rather than addressing the abuse. Although prohibited by law, polygamy existed.

As in past years, there were reported cases in which women attempted or committed suicide as a result of domestic violence. Those active in women's issues suggested that many 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 exercises complete control over a wife, as the usual reason for suicide. There were no government-run shelters or hotlines for victims of domestic abuse, and very few NGOs focused on domestic violence.

Sexual Harassment: The law does not explicitly prohibit sexual harassment, but it is illegal for a man to coerce a woman who has a business or financial dependency into a sexual relationship. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

Reproductive Rights: The government generally allowed couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and it granted access to information and the means to do so free from discrimination, coercion, and violence. There were, however, media reports in July in which unnamed Tashkent-based gynecologists alleged that the Directorate of Health issued oral instructions requiring a "letter of explanation" from pregnant women who wished to give birth to a third child. The same reports also included allegations that as in the past the government pressured doctors to sterilize women to control the birth rate. The government's official policy is for doctors to encourage all forms of family planning including sterilization, which may not be done without the informed consent of the patient.

Contraception generally was available to 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 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.

Discrimination: The law prohibits discrimination based on gender, and the National Women's Committee exists to promote the legal rights of women. Women historically have held leadership positions across all sectors of society, although not with the same prevalence as men, and cultural and religious practices limited their effectiveness. The government provided little data that could be used to determine whether women experienced discrimination in access to employment, credit, or pay equity for substantially similar work. However, the labor code prohibits women from working in as many industries as men. In addition opportunities for starting or growing a business are extremely limited.

Children

Birth Registration: Citizenship is derived by birth within the country's territory or from one's parents. The government generally registers all births immediately.

Medical Care: While the government provided equal subsidized health care for boys and girls, 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: Society generally considered child abuse to be an internal family matter, with little information available officially.

Child Marriage: 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 occasionally were married in religious ceremonies not officially recognized by the state.

Sexual Exploitation of Children: The law seeks to protect children from "all forms of exploitation." Involving a child in prostitution is punishable with a fine of 25 to 50 times the minimum salary and prison time of an unspecified length.

The minimum age of consensual sex is 16 years. The punishment for statutory rape is 15 to 20 years' imprisonment. The production, demonstration, and distribution of child pornography (younger than age 21) is punishable by fine or by imprisonment up to three years.

Institutionalized Children: In contrast to previous years, there were no reports of women being pressured into institutionalizing children who were born with birth defects or other illnesses.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

Jewish leaders reported high levels of acceptance in society. There were no reports of anti-Semitic acts or patterns of discrimination against Jews. The Jewish community was unable to meet the registration requirements necessary to have a centrally registered organization, but there were eight registered Jewish congregations throughout the country. Observers estimated the Jewish population to be approximately 10,000 persons, concentrated mostly in Tashkent, Samarkand, and Bukhara. Their numbers continued to decline due to emigration, largely for economic reasons.

Trafficking in Persons

See the Department of State's *2011 Trafficking in Persons Report*.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but there was some societal discrimination against those with disabilities.

The government continued its efforts to confirm the disability levels of citizens who receive government disability benefits. Officially, authorities conducted the confirmations to ensure the legitimacy of disability payments, but unconfirmed reports suggested that some persons with disabilities had their benefits unfairly reduced in this process.

The law allows for fines if public buildings are not accessible for the disabled, but disability activists reported that accessibility remained inadequate, noting, for example, that many of the high schools constructed in recent years have exterior ramps, but no interior modifications that would allow wheelchair accessibility.

The law does not provide effective safeguards against arbitrary or involuntary institutionalization. However, there were no reports during the year of persons being 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. There were no reports of problems regarding accessibility of information and communications. No information was available regarding patterns of abuse in educational and mental health facilities.

National/Racial/Ethnic Minorities

The constitution states that all citizens are equal, regardless of ethnic background, and provides equal protection by the courts to all residents irrespective of national, racial, or ethnic origin. The country has significant Tajik (5 percent) and Russian (5.5 percent) minorities and smaller Kazakh and Kyrgyz minorities. There also was a small Romani population in Tashkent, estimated at less than 50,000 individuals. Complaints of societal violence or discrimination against members of these groups were rare.

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

The law does not require Uzbek language ability to obtain citizenship, but language often was 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."

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

Homosexual activity among men is punishable by up to three years' imprisonment. Although convictions under this criminal provision were rare, there were reports in the past that police used informants to extract heavy bribes from gay men. The law does not criminalize same-sex sexual activity between women.

Homosexuality is generally a taboo subject in society, and there were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was also no known

perpetrated or condoned violence against the LGBT community. There were no known reports of official or societal discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care, but this circumstance may be attributed to the social taboo against discussing homosexual activity rather than to equality in such matters.

Other Societal Violence or Discrimination

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. The military summarily expelled recruits in the armed services found to be HIV-positive. 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. At the end of October, the criminal court in the Yakkasaroy District of Tashkent convicted, but then immediately amnestied, the head of the local Red Crescent Society, Mannon Rahimov, of several crimes, including operating without a license and publishing AIDS awareness materials that contradict traditional values.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to form and join unions of their choice, declaring unions independent of governmental administrative and economic bodies, except where provided for by other laws. Discrimination against union members and officers is prohibited, but this was irrelevant due to the unions' close relationship with the government. The law neither provides for nor prohibits the right to strike. The right to organize and bargain collectively, including the right of unions to conclude agreements with enterprises, is included in the law. Legally, unions have oversight regarding individual and collective labor disputes.

In practice workers generally did not exercise their right to form and join unions out of fear that attempts to create alternative unions would be quickly repressed. Unions remained centralized and dependent on the government. The state-run Board of the Trade Union Federation of Uzbekistan incorporates more than 35,800 primary organizations and 14 regional trade unions, with official reports of 60 percent of employees in the country participating. Leaders of the federation are appointed by the president's office rather than elected by the union board. All regional and industrial trade unions at the local level were state managed. There were no independent unions.

Unions and their leaders were not free to conduct activities without interference from the employer or from government-controlled institutions. Rights to collective bargaining were not exercised. Unions were government-organized institutions with little bargaining power aside from some influence on health and work safety issues. The Ministry of Labor and Social Protection and the Ministry of Finance, in consultation with the Council of the Trade Union Federation, set wages for government employees. In the small private sector, management established wages or negotiated them individually with persons who contracted for employment. There was no state institution responsible for labor arbitration.

b. 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, such practices occurred during the cotton harvest, when authorities applied varying amounts of pressure on governmental institutions, schools, and businesses to organize schoolchildren, university students, teachers, medical workers, government personnel, military personnel, and nonworking segments of the population to pick cotton. Credible reporting indicated that the use of forced mobilization of adult laborers during the cotton harvest was higher than in the previous year. Authorities expected teachers and school administrators to participate in the harvest either as supervisors or by picking cotton themselves, and schoolteachers often bore responsibility for ensuring their students met quotas. There continued to be reports that students and adults who did not make their quotas were subject to ridicule or abuse by local administrators or police. The loss of public sector workers during the cotton harvest adversely affected communities, as medical procedures often were deferred, essential public services delayed, and internationally funded development projects put on hold while implementing partners worked the fields.

Also see the Department of State's *2011 Trafficking in Persons Report*.

c. Prohibition of Child Labor and Minimum Age for Employment

Laws to protect children from exploitation in the workplace provide both criminal and administrative sanctions against violators of the child labor laws, although these laws were not effectively enforced.

The national labor code establishes the minimum working age at 16 years and provides that work must not interfere with the studies of those younger than 18 years of age. The law establishes a right to part-time light work 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. The law does not allow 14-year-olds to be involved with "light work," even if it does not interfere with education or hinder the health or development of the child, but this provision was not always observed in practice. Children between the ages of 16 and 18 may work 36 hours per week while school is out of session and 18 hours per week while school is in session. Decrees adopted in 2009 and 2010, respectively, stipulate a list of hazardous activities forbidden for children younger than 18 and bar employers from using children to work under a list of hazardous conditions including underground, underwater, at dangerous heights, or with dangerous equipment. Children were employed in agriculture, in family businesses, and as street vendors.

Children worked in the planting and picking of cotton. Many thousands of schoolchildren and university students worked in the cotton fields during the annual harvest as a result of government mobilization. While pressure to use forced child labor in the cotton sector continued to be prevalent in some regions of the country, other regions attracted a consenting, adult work force. During the fall harvest, local administrators in many regions of the country closed schools and universities for up to six weeks and transported students to work in the cotton fields. Although the majority of students appeared to be over the age of 14 years, younger students were observed, and there were isolated reports of some students as young as 10 years working in the fields. Observers reported that older students often worked 10-hour days and frequently were housed in tents or barracks away from their families. For the third year in a row, the majority of classes remained in operation at the younger grade levels.

Students and adults typically earned between 100 and 150 soum ($.05 to $.07) per kilo (2.2 pounds) of cotton picked. Younger students were expected to pick 20 to 40 kilograms of cotton per day, while older students and adults were expected to pick 50 to 70 kilos per day. The resulting daily wage was between 2,000 and 6,750 soum ($0.95 to $3.21) for younger students and 5,000 to 10,500 soum ($2.38 to $5.00) per day for older students. As in past years, there continued to be reports that universities reportedly threatened to expel students who did not participate in the harvest or required students to sign statements indicating "voluntary" participation in the harvest.

Working conditions varied greatly by region. There were scattered reports of inadequate food and lodging for the children, and there were also reports of students without access to clean drinking water.

Labor legislation does not explicitly provide jurisdiction for inspectors from the labor ministry to focus on child labor enforcement. Enforcement of child labor laws is under the jurisdiction of the labor ministry, the prosecutor general, the MOI, and MOI general

criminal investigators. It was unclear whether the MOI conducted inspections in the agricultural sector. There were no known prosecutions for child labor during the year, although the government asked UNICEF for its observations of the harvest in order to investigate local officials who mobilized children.

The government's 2008 National Action Plan called for an end to the worst forms of child labor, including forced labor, but none of its goals have been reached. The government does not allow independent organizations to monitor comprehensively child labor in the cotton sector, nor does it provide figures on the use of child labor in the country. The government allowed UNICEF to observe the cotton harvest and its working conditions and gave it full access to the fields, children, schools and teachers.

On March 25, the government created an interagency working group to ensure protection of the rights and legitimate interests of minors under the age of 18 and report to the International Labor Organization on measures undertaken to protect workers' and children's rights.

Also see the Department of Labor's *2010 Findings on the Worst Forms of Child Labor*.

d. Acceptable Conditions of Work

The minimum salary between August and December was 57,200 soum ($27) per month. On December 1, it was raised 10 percent to 62,920 soum ($30). According to official statistics, the average monthly salary exceeded 693,550 soum ($330) before taxes. This level did not include salaries in the agricultural sector. Reliable data and estimations on actual average household income were not available. Officials reported the poverty level as consumption of less than 2,100 kilocalories per day, but the government does not publish any indicators of poverty level. According to the latest available data, approximately 20 percent of the population lived below the poverty level in 2010.

The law establishes a standard workweek of 40 hours and requires a 24-hour rest period. Overtime pay exists in theory, but it rarely was paid in practice. According to the labor code, compensation for overtime work must be specified in employment contracts or agreed to with an employee's trade union and can be implemented in the form of additional pay or leave. According to the legislation, overtime compensation should not be less than 200 percent of the employee's actual hourly wage. Additional leave time should be not less than the length of actual overtime work. An employee cannot work more than 120 hours of overtime per year.

The Ministry of Labor 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. Labor inspectors conducted inspections of small- and medium-sized businesses once every four years and inspected larger enterprises once every three years. The labor ministry or a local governor's office can initiate a selective inspection of a business as well, and special inspections are conducted in response to accidents or complaints.

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. A 2009 law requires employers to insure against civil liability for damage caused to the life or health of an employee in connection with a work injury, occupational disease, or other injury to health caused by the employee's performance on the job. No cases have yet been reported under this law.

The country has bilateral labor migration agreements with Russia and South Korea to increase protections on a range of labor rights for the country's labor migrants.