2012 Country Reports on Human Rights Practices - Uzbekistan

Publisher	United States Department of State
Publication Date	19 April 2013
Cite as	United States Department of State, *2012 Country Reports on Human Rights Practices - Uzbekistan*, 19 April 2013, available at: http://www.refworld.org/docid/517e6db844b.html [accessed 17 May 2013]
Disclaimer	This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

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 the executive branch under President Islam Karimov 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 2009. While OSCE observers reported noticeable procedural improvements in comparison with 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 were 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 widespread restrictions on religious freedom, including harassment of religious minority group members and continued imprisonment of believers of all faiths.

Other continuing human rights problems included: incommunicado and prolonged detention; harsh and sometimes life-threatening prison conditions; arbitrary arrest and detention (although officials released five high-profile prisoners during the year); 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, which led three civil society activists to leave the country during the year.

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.

In October several press outlets reported on the death of 18-year-old Navruz Islomov from Shahrisabz District in Kashkadaryo Region. The reports alleged that Islomov died from a beating administered by police officers who confronted him as he attempted to leave the cotton fields. Local police, hospital, and government officials reportedly confirmed Islomov's death to the press but denied that the circumstances of his death involved police brutality.

The government continued its policy of not authorizing an independent international investigation of the 2005 alleged killing by government forces of unarmed civilians in Andijon. The government's 2005 investigation claimed that armed individuals initiated violence by firing on security forces. The death toll varied between the government's report of 187 and eyewitnesses' reports of several hundred individuals killed. To date, 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 violence in Andijon.

In its 2011 annual report, the UN Working Group on Enforced or Involuntary Disappearances noted that there were no new cases transmitted to the government during the year but that there were seven outstanding cases from previous years.

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

While 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. There also were continued reports that authorities exerted psychological pressure on inmates, including threats against family members.

In December the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) reported that 40-year-old Shovkatjon Nurmatov, detained for questioning by Tashkent Region police on November 5, died in custody. Family members reported that police delivered Nurmatov's body to their home in the Zangiota District of Tashkent Region on December 14. Police presented a death certificate stating that Nurmatov died of "cardiovascular deficiencies" but forced the family to bury him within two hours at a local cemetery without viewing the body. Relatives

claimed that Nurmatov did not have heart problems and alleged that he was mistreated while in custody.

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

In a 2010 publication, the UN Human Rights Committee expressed concerns 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. Several civil society organizations called for the government to accede to a visit by the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment. The special rapporteur's most recent country assessment occurred in 2003.

In early September the France-based Association for Human Rights in Central Asia published a letter on its Web site that allegedly provided a firsthand account of torture in the Jaslik prison. According to the letter, which was reportedly smuggled out of the facility, in December 2011 prison authorities under the direction of the head of educational affairs, Ikrom Berdibayev, beat an inmate named Ortikali approximately 80 times on his heels for refusing to participate in mandatory readings of books written by President Karimov. The report could not be confirmed independently, but its account tracked with other reports of similar abuse in the prisons.

On June 26, the International Day in Support of Victims of Torture, the Human Rights Alliance of Uzbekistan (HRAU) released a statement calling attention to nine reported victims of torture, including 20-year-old Anton Khizhnyakov, whom police officers from the Mirobod District police department in Tashkent allegedly subjected to torture in March to extract a confession for a crime that he stated he did not commit. The HRAU reported that police and the municipal prosecutor's office did not respond to its appeals on behalf of the individuals.

There was no further information available concerning the 2011 abuse case of Dilshod Shohidov.

Throughout the year authorities reportedly meted out harsher-than-typical treatment to individuals suspected of Islamist extremism. Local human rights workers reported that authorities often offered payment or other inducements to inmates to beat other inmates suspected of religious extremism.

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 Agzam Turgunov and Dilmurod Sayid.

Prison and Detention Center Conditions

Prison conditions were in some circumstances harsh and 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. Relatives of prisoners in some instances complained that prison diets did not include sufficient amounts of meat. There were reports of political prisoners being held in cells without proper ventilation, and prisoners occasionally were subjected to extreme temperatures. Family members also reported that

officials frequently withheld or delayed delivery of food and medicine intended for prisoners. Unlike in past years, family members of inmates did not report any incidents of sexual abuse.

Physical Conditions: According to 2009 statistics, the government held approximately 42,000 inmates at 58 detention facilities; the government did not respond to requests for updated figures. 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 administration officials reported that the World Health Organization had an active tuberculosis program in the prisons to treat and stop the spread of tuberculosis and an HIV/AIDS treatment and prevention program. Officials reported that hepatitis was not present in high numbers and that hepatitis patients were treated in existing medical facilities and programs. Inmates generally had access to potable water.

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 death of Abdurahmon Sagdiev in February.

In January the HRAU, citing conversations with other prisoners, reported that 40-year-old Gulbahor Sultanova, an inmate at the sole women's prison in Zangiota, prematurely delivered a stillborn baby. The HRAU alleged that harsh working conditions and lack of necessary medical care caused the premature birth. Prison administrators issued a statement denying that Sultanova was pregnant.

There was no further information available concerning the 2011 deaths of Ulugbek Gaforov, Abdulfattoh Raimokhunov, Abdumannon Ortiqov, and Ravshan Atabaev.

Administration: 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 the 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. 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.

There was no information available regarding whether recordkeeping on prisoners was adequate or whether authorities took steps to improve recordkeeping. Authorities in limited cases used administrative measures as alternatives to criminal sentences for nonviolent offenders. In addition, the criminal code mandates several instances in which courts cannot sentence individuals to prison if full restitution has been made.

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. Although some prison libraries had copies of the Quran and the Bible, there were complaints from family members, as in past years, that prisoners were not allowed access to religious materials.

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 the prisoners represented a continuing danger to society. On January 18, a court in the Kashkadaryo Region sentenced Muhammad Bekjonov to an additional five years in prison for failure to heed the lawful orders of prison authorities. 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.

Monitoring: The Ministry of Interior performs regular inspections of all prison facilities, and representatives of other state bodies, including 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) monitored facilities under the responsibility of the prison administration, assessing conditions of detention and the treatment of detainees, although financial and personnel constraints prevented its representatives from visiting all facilities. The ICRC did not have access to pretrial detention facilities under the authority of the National Security Service (NSS) or the Ministry of Interior. During the year the ICRC carried out 14 humanitarian visits to 12 places of detention, visiting facilities that held 15,096 detainees at the time of the visits. ICRC representatives met 454 detainees, including 108 women and 25 minors. The ICRC also facilitated the exchange of 164 Red Cross messages between detainees and their relatives and supported family visits to 85 detainees by providing financial assistance. The ICRC kept its findings confidential and shared them only with the government.

On November 19, the opposition news outlet *Uznews.net* reported that prison authorities in Karshi prevented ICRC representatives from meeting with imprisoned journalist Salijon Abdurakhmanov. The report alleged that prison authorities first removed him from the prison during a summer visit and later presented an individual who claimed to be Abdurakhmanov, but whom the ICRC inspectors determined to be an impostor. In response to the report, ICRC representatives reiterated that the organization does not publicly comment or discuss the specific issues pertaining to visits to places of detention.

Improvements: In contrast with past years, independent observers from the international community gained limited access to some parts of the penitentiary system, including pretrial detention facilities, juvenile and women's prisons, and prison settlements. However, observers were granted access only to certain prisons and to limited areas within these prisons. Prison officials described ongoing efforts intended to move from a punitive to corrective approach to incarceration and emphasized safeguards envisioned to prevent torture.

d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention, but authorities continued to engage in such practices. For example, in June police in Tashkent detained and held for 10 hours activists from the "Birdamlik" movement who planned to hold a demonstration outside the embassy of Kyrgyzstan. On June 30, police in Tashkent detained and questioned for more than five hours independent journalists Sid Yanishev and Pavel Kravets for taking pictures of a local bazaar. On September 17, the acting prosecutor in Yakkasaroy District of Tashkent instructed police to conduct an internal investigation to determine whether the police officers who detained the journalists had acted in accordance with the law.

Role of the Police and Security Apparatus

The government authorizes three different entities to investigate criminal activity. The Ministry of Interior 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 problems, 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 Ministry of Interior'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 investigated some police brutality cases. The Human Rights Ombudsman's Office, affiliated with 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 364 criminal cases against 375 employees of law enforcement bodies on charges including abuse of power, negligence, fraud, bribery, and theft. There was no information available on the sanctions or sentences handed down.

On April 4, the independent press reported on the start of a trial in the Shakhrisabz District Criminal Court involving Anvar Holiyorov, a police officer accused of inciting a detainee, Almardon Berdikulov, to commit suicide. In November 2011 Berdikulov reportedly died in custody. There was no further information available on the status of the case at year's end.

Arrest Procedures and Treatment While in Detention

By law a judge must review any decision to arrest accused individuals or suspects. Defendants have the right to legal counsel from the time of arrest, although officials did not always grant that right in practice and occasionally forced defendants to sign written statements declining the right to counsel. On September 18, the president signed into law amendments to a number of legislative acts that the government stated would expand the use of habeas corpus in the criminal justice system.

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 a detainee about the detention and to question the detainee within 24 hours of being taken into custody.

Suspects have the right to remain silent and must be informed of the right to counsel. 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 was 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 arrest in order to gain confessions that could be used as the basis for convictions.

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 relevant prosecutor, who may release a prisoner on bond pending trial. 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 of "proper behavior" and that they will appear at trial. State-appointed attorneys are available for those who do not hire private counsel.

A decree requires 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 after taking the relicensing examination. As a result, several other activists and defendants faced difficulties in finding attorneys to represent them. Although unlicensed advocates cannot represent individuals in criminal and civil hearings, a court has the discretion to allow such a public advocate if the advocate belongs to a registered organization whose members are on trial.

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.

Uktam Pardaev, the head of the local branch of the unregistered Independent Human Rights Society of Uzbekistan, alleged that he was beaten by police officers, including deputy head of the Jizzakh Municipal Police Department, Ikrom Tursunov, after he was detained on unknown charges on September 30. Pardaev also reported that he was not fed for two days and housed with detainees with infectious diseases.

There was no additional information available concerning the August 2011 arrests of Kholmurod Shokirov, Zaynobiddin Mamatov, Zayniddin Israilov, Botir Navruzov, and Yuldash Ergashev, reportedly on charges related to religious extremism.

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 did not file charges, police and prosecutors

frequently sought to evade restrictions on the length of time that a person could be held without charges by holding them as witnesses rather than as suspects. During the year pretrial detention typically ranged from one to three months. The government did not provide information regarding 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." In contrast with previous years, the amnesty foresaw (with some exceptions) reducing by one-third the prison terms of all convicts sentenced to up to 10 years in prison and by one-fourth for those sentenced to more than 10 years in prison. Amnesty options included release from prison, transfer to a work camp, or termination of a criminal case by a court 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. For example, on December 4, the Olmaliq Municipal Court in Tashkent Region convicted Murod Jurayev of violating internal prison rules and extended his sentence by an additional three years; this was the fifth time that Jurayev, who initially was sentenced to 12 years in prison in 1995, had his incarceration extended on such charges. Officials often determined that political and religious prisoners were ineligible for amnesty based on these provisions.

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. Unlike in past years, judges generally permitted international observers to observe proceedings without requiring written permission from the Supreme Court or court chairman. Authorities generally announced trials only one or two days before they began, and hearings frequently were postponed numerous times.

A panel of one professional judge and two lay assessors, selected by committees of worker collectives or neighborhood committees, generally 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, but in practice judges declined defense motions to summon additional witnesses or to enter into the record evidence supporting the defendant. In the vast majority of criminal cases brought to court, the verdict was guilty.

Defendants have the right to hire an attorney, and the system worked reasonably well with the exception of some human rights activists, who encountered difficulties finding lawyers to represent them. The government provides legal counsel without charge when necessary. According to reports, state-appointed defense attorneys routinely acted in the interest of the government rather than of their clients because of their reliance on the state for a livelihood.

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, recommend sentences to judges, and have a right to appeal court decisions. 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 prevailed. 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 based their verdicts solely on confessions and witness testimony, which may be extracted through abuse, threats to family members, or other means of coercion. Legal protections against double jeopardy were 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, the prosecutor files formal charges, and the case is passed to the criminal court. There is an exception, however, for evidence which contains information that if released could pose a threat to state security. In the past, courts have invoked the state security exception, leading to complaints that its primary purpose was 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. Courts failed to properly investigate allegations of torture and frequently alleged in verdicts that defendants cited claims of torture in order to avoid criminal responsibility.

Political Prisoners and Detainees

Most international and domestic human rights organizations estimated that authorities held hundreds of prisoners on political grounds, but some groups asserted that the number was in the thousands. The government asserted that these individuals were convicted for violating the law. Officials released five high-profile prisoners – Abdulaziz Dadakhanov, Alisher Karamatov, Olim Turayev, Sergey Ivanov, and Habibulla Okpulatov – during the year. Family members of several political prisoners reported abuse in prison and deterioration of the prisoners' health.

In July, according to the Ezgulik human rights society, the Tashkent Region Criminal Court upheld the nine-year prison sentence on religious extremism charges given to Sherzod Shernazarov by the Kibray District Court in 2011. Shernazarov was one of 28 individuals extradited to the country in June 2011 after Kazakhstan denied them refugee status.

On May 3, the Fergana Region Criminal Court found Erkin Kuziev, head of the Ezgulik branch office in the Uzbekistan District of Fergana Region, guilty of fraud and facilitating bribery and sentenced him to 38 months in prison. The charges, which Ezgulik termed baseless, dated to a 2008 incident.

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 by officials, excluding investigators, prosecutors, and judges who fall under different legal procedures. There were isolated reports that bribes to judges influenced civil court decisions. For example, in February the state newspaper *Tashkentskaya Pravda* published an article about Fazliddin Elmuradov, a Tashkent Regional Economic Court judge, who was sentenced to 10 years in prison for receiving a bribe of $400 from a local businessman.

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

Although the constitution and law forbid such actions, authorities did not respect these prohibitions. 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. Among such incidents were raids that occurred in the town of Jarkurgan in Surkhandaryo Region in January, Yukori-Chirchik District of Tashkent Region in May, and in the village of Yangikurgan in Tashkent Region in August.

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 in cities. There continued to be credible reports that police, employers, and mahalla committees harassed family members of human rights activists. Examples included harassment directed against family members of human rights activist Viktoria Bazhenova, human rights activist Chamangul Negmanova, and disability rights activist Hasanboy Burhanov.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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.

Freedom of Speech: 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, prohibits 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.

On January 29-30, state television broadcast a program criticizing journalists for low professional standards and for engaging in corruption and fraud while also denouncing interference by government officials in editorial policy. The report also called for journalists to "focus on strengthening the national ideology and instilling the idea of national independence deeper in people's minds in the face of outside political forces' information attacks."

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: 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.

In March courts in Tashkent convicted independent journalists Elena Bondar for "inciting hatred" and Viktor Krymzalov for "libel" in connection with Internet publications whose authorship Bondar and Krymzalov denied. The courts in Hamza and Yunosobod Districts fined the journalists 6.92 million soum ($3,460) and 3.78 million soum ($1,890), respectively. Independent observers noted violations of due process and procedural deficiencies during the trial of Bondar, who left the country in June after facing additional harassment.

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 noncompliance. As in past years, there were reports 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, Voice of America, and BBC World Service permission to broadcast from within the country. The government 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. Passport officials at the Tashkent international airport turned away BBC journalist Natalia Antelava and Novaya Gazeta photojournalist Viktoria Ivleva, who reportedly were attempting to enter on tourist visas.

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. In September, according to press reports, the Cabinet of Ministers adopted Regulation 255, which tasks the Department of Information Systems and Telecommunications with "monitoring the national information space and providing information security." The regulation allows the department to block or ban media that "threaten the integrity of the national information space."

There was no decision by the Supreme Court on the 2010 appeal by photographer Umida Ahmedova regarding the Cabinet of Ministers' creation of an expert commission on information to analyze whether legislation adheres to requirements to protect the privacy of citizens.

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. There was often little distinction between the editorial content of a government and a privately owned newspaper. Journalists engaged in little investigative reporting. Widely read tabloids occasionally published articles that presented mild criticism of government policies or 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 that the government considered objectionable. The government blocked several domestic and international news Web sites and those operated by opposition political parties. In October independent media based outside the country, quoting unnamed employees from local telecommunications companies, reported that the government had taken measures to block access to proxy servers which allow Internet users to access Web sites that were blocked or prohibited in the country.

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 are not required to submit to the government hard copies of publications, as is required of traditional media outlets.

According to the International Telecommunication Union, approximately 30 percent of individuals in the country used the Internet in 2011. Several active online forums allowed registered users to post comments and read discussions on a range of social problems. In order to become a registered user in these forums, individuals needed to provide personally identifiable information. It was not clear whether the government attempted to collect this information.

A decree requires that all Web sites seeking the ".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. 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 April the national film association Uzbekkino denied a request by Abdulaziz Mahmudov, an independent film and documentary director, to publicly screen his film about the 2010 interethnic violence in southern Kyrgyzstan. The State Agency for Intellectual Property Rights also denied a request to register Mahmudov's ownership rights for the documentary. According to the Expert Working Group, a nongovernmental policy think tank, neither Uzbekkino nor the agency provided an explanation for these decisions.

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, 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 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 permits that were required for demonstrations. Citizens are subject to large fines for violating procedures concerning the

organizing of meetings, rallies, and demonstrations or for facilitating unsanctioned rallies, meetings, or demonstrations by providing space or other facilities or materials.

Authorities dispersed and occasionally detained persons who were involved in peaceful protests, and they sometimes pressed administrative charges as a result of protest actions. Among many examples was the February 28 detention of human rights activist Abdullo Tojiboy-ogli as he attempted to demonstrate outside the Tashkent city administration to protest electricity and gas restrictions. Police allegedly held Tojiboy-ogli for more than 12 hours outdoors in a cage meant for police dogs before the Mirobod District Criminal Court fined him 4.4 million soum ($2,200).

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 considerable oversight 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, particularly when coordinated with government agencies. Civil society activists in some regions reported more willingness by local officials to cooperate following a 2010 speech by the president on the need to expand democratization and strengthen civil society.

The administrative liability code imposes large fines for violations of procedures governing NGO activity as well as for "involving others" in illegal NGOs. For example, on September 23, the Hamza District Criminal Court in Tashkent fined human rights activists Fahriddin Tillaev and Nuritdin Jumaniyazov the equivalent of 7.2 million soum ($3,600) each for attempts to create an independent union for day laborers.

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 which the government did not approve in advance.

The government continued its 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 events planned for the next

period. Leaders of NGOs may be fined for conducting events without explicit permission from the ministry. The fine is several times higher than those for some criminal offenses.

The parliament's Public Fund for the Support of Nongovernmental, Noncommercial Organizations, and Other Civil Society Institutions continued to conduct grant competitions to implement projects that primarily targeted socioeconomic issues. In August the fund awarded approximately 1.7 billion soum ($850,000) to 107 nongovernmental and noncommercial organizations. Some civil society organizations, however, criticized the fund for primarily supporting government-organized NGOs. 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 prohibits the extremist Islamist political organization Hizbut-Tahrir, stating it promotes hate and condones acts of terrorism.

c. Freedom of Religion

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

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

The constitution and laws provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited these rights, in particular through the continued requirement for citizens to receive an exit visa for foreign travel.

In-country Movement: 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 2011 the Cabinet of Ministers adopted amendments to exit visa procedures that allow authorities to deny 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 government introduced regulations in 2011 that require male relatives of women between the ages of 18 and 35 to submit a statement pledging that the women would not engage in illegal behavior, including prostitution, while abroad. In February there were press reports, citing employees of Tashkent-based travel agencies, that the Ministry of Interior had introduced a new requirement for foreign travel involving an additional stamp confirming that individuals were not wanted for a crime, but these reports could not be confirmed.

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 delayed issuing exit visas to Jizzakh-based human rights activists Uktam Pardaev, Mamir Azimov, and Saida Kurbonova. Authorities also refused to issue exit visas to artist Vyacheslav Akhunov and to Malohat Eshonqulova, local head of Birdamlik.

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 monitored foreigners in border areas, but foreigners generally could 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. 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. As in the previous year, there were no reports that failure to register rendered citizens residing abroad and children born abroad stateless.

Protection of Refugees

Access to Asylum: The 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.

Refoulement: 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 previous years, there were no reported cases of the government forcibly removing Afghan refugees from the country.

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 99 pending (predominantly Afghan) refugee cases involving 180 individuals; such cases predated the closure of the UNHCR in 2006. During the year the UNDP completed processing 11 cases involving 20 persons. Because the UNDP does not process new claims or make refugee status determinations, it refers potential applicants to UNHCR offices in neighboring countries.

The government does not consider 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 in which law enforcement bodies revoked residence permits, forcing refugees to leave the country. The government considered UNHCR mandate refugees from Afghanistan and Tajikistan to be economic migrants, and officials occasionally 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 can 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. The president oversaw 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: Following 2007 elections that according to the OSCE monitoring group did not meet international democratic standards, President Karimov began a third term. The constitution prohibits a president from seeking a third term in office, an apparent contradiction that the government did not address 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. A new party must have the signatures of 20,000 individuals living in at least eight of the country's regions in order to register. 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, members of the armed forces, foreign citizens, and stateless persons from joining political parties. The law prohibits parties that are based on religion or ethnicity; oppose the sovereignty, integrity, security of the country, or the constitutional rights and freedoms of citizens; promote war or social, national, or religious hostility; or seek to overthrow the government.

The government banned or denied registration to several political parties following the 2005 Andijon violence. 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 speaker Dilorom Toshmuhammedova, and 15 women in the 100-member Senate, along with two women in the 28-member cabinet. During the 2009 parliamentary elections, more than 30 percent of candidates were women following a recommendation from the UN Committee on the Elimination of Discrimination against Women.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Although there were reports of an increased number of corruption-related arrests, officials continued to frequently engage in corrupt practices with impunity. Government officials are required to disclose only income from outside employment, and the law does not require that this asset disclosure be made public. The Ministry of Interior's Department for Combating Corruption, Extortion, and Racketeering and the Office of the Prosecutor General's Department for Combating Economic Crimes and Corruption are responsible for preventing, investigating, and prosecuting corruption cases. The government reported that, during the first nine months of the year, courts convicted 420 government officials on corruption-related charges, 220 of whom were sentenced to prison.

In mid-June according to press reports, the Tashkent Municipal Criminal Court convicted Aloviddin Niyazov, former Tashkent deputy municipal prosecutor, on a series of corruption-related charges and sentenced him to 13 years in prison.

On February 16, according to local independent media, a Tashkent district court found the former state adviser to the president for law enforcement issues, Ravshan Muhiddinov, guilty of serious economic crimes including corruption and sentenced him to 15 years in prison. Muhiddinov, who previously worked as justice minister and deputy prosecutor general, was arrested in November 2011 and eventually charged with corruption and abuse of power.

Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes.

Corruption was a severe problem in the university, legal, medical, and traffic enforcement systems. On July 25, the Bukhara Municipal Criminal Court sentenced 35 individuals, led by local teachers Mirkomil Isaboev and Elmurod Salomov, to prison terms for their role in a scheme that involved soliciting bribes from prospective university students.

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

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. As in the previous year, there were no reports that activists were under house arrest or strict control of law enforcement officers around the September 1 Independence Day holiday. In June, however, there was a report that activists from Ezgulik were subject to house arrest, ostensibly to prevent them from participating in a demonstration outside the embassy of Kyrgyzstan.

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 November the Humanitarian Legal Center in Bukhara submitted its sixth registration application in the past three years and was denied without explanation. The NGO continued to conduct activities, however, and local authorities 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, 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. 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 that 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. 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.

On July 25, human rights defender Akromhodja Mukhitdinov from the Yangiyul District of Tashkent Region died of stab wounds inflicted during an allegedly unprovoked attack by several men. Human rights contacts expressed concern that the attack was related to Mukhitdinov's human rights activities. Police arrested four suspects but eventually released three of them. There was no further information available regarding accountability for Mukhitdinov's death.

Several human rights defenders alleged that they were subject to spurious criminal and administrative charges and other retribution in response to their activism.

In July the IGIHRDU reported that the Yangiyul Criminal Court in Tashkent Region convicted one of its activists, Gulnaza Yuldasheva, of extortion and sentenced her to two years in prison following a closed trial on July 10; the sentence later was increased to seven years on appeal. In May 2011 Yuldasheva accused a number of local and law enforcement officials in the city of Chinoz of complicity in the trafficking of persons, including two of Yuldasheva's brothers, to neighboring Kazakhstan. The government reported that Yuldasheva repeatedly extorted money from doctors at the Chinoz District Medical Center, allegations supported in open court by eyewitness testimony and other evidence.

On July 20, the Jizzakh Municipal Court found Ziyodullo Razokov, chairman of the International Society for Human Rights of Uzbekistan branch in Jizzakh Region, guilty of "swindling" and fined him the equivalent of two million soum ($1,000). The charges stemmed from a 2006 incident. On January 21, Bahtiyor Elmuradov, director of School Number 1 in the Zarbdar District of Jizzakh Region, fired Razokov, a teacher at the school, for "insubordination and gross violations of the terms of his employment." Razokov alleged that Elmuradov fired him in retaliation for a November 2011 Jizzakh District Criminal Court decision which found Elmuradov guilty of inflicting minor injuries after he attacked Razokov for giving an interview regarding the involvement of his students in the cotton harvest. Elmuradov previously fired Razokov on January 12, but the local prosecutor reinstated him.

In 2011 the local office of Human Rights Watch ceased operations following a Supreme Court decision. The organization had not been able to obtain accreditation for an international staff person.

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. However, in June representatives of the Ombudsman's Office, in response to an IGIHRDU report, successfully assisted in gaining the reinstatement of a group of teachers from the city of Parkent, whom local police had forced to resign based on accusations of religious extremism.

The National Human Rights Center is a government agency responsible for educating the public 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.

On July 30, the government created an interagency working group (IWG) headed by the minister of justice to study the status of respect for human rights and fundamental freedoms by law enforcement and other government bodies. The text of the government decree creating the IWG indicated that civil society representatives would be members of the group but did not specify how the selection process would occur.

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

The law and constitution prohibit discrimination on the basis 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 courts 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 it.

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. Human rights contacts, however, reported greater willingness by local police and officials to address reports of domestic violence, including in Jizzakh Region and in the traditionally conservative Fergana Valley. 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.

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. In April allegations resurfaced in media reports that the government directed doctors to sterilize women to control the birth rate and skew infant mortality data. Contacts in the human rights and health-care communities confirmed that there was anecdotal evidence suggesting that sterilizations without informed consent occurred, although it was unclear whether the practice was widespread or directed by senior government officials. The government responded forcefully to the reports, reiterating that its official policy encourages "only the most modern methods of contraception," including sterilization, which may not be performed without the informed consent of the patient. The government response also termed allegations of forced sterilization "purposeful slander against the country." There was, however, no additional information on what steps the government might be taking to discourage the practice.

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 due to cumbersome bureaucratic procedures and societal norms.

Children

Birth Registration: Citizenship is derived by birth within the country's territory or from one's parents. The government generally registered 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 that were 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 by a fine of 25 to 50 times the minimum salary and imprisonment for an unspecified length of time.

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

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 travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at travel.state.gov/abduction/country/country_5823.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 *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 received government disability benefits. Officially, authorities conducted the confirmations to ensure the legitimacy of disability payments, but unconfirmed reports suggested that authorities unfairly reduced benefits to some persons with disabilities in the process.

The law allows for fines if public buildings are not accessible, 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.

On September 18, the president signed into law amendments to a number of legislative acts that would require courts to approve the placement of individuals in medical or psychiatric facilities. 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 the accessibility of information and communications. No information was available regarding patterns of abuse in educational and mental health facilities.

The labor law states that all citizens enjoy equal employment rights, but disability rights activists reported that discrimination occurred in practice. There were no government programs to ensure access to buildings, information, and communications, and activists reported particular difficulties with access. According to disability rights activists, of an estimated 96,000 children with disabilities, only 26 attended public schools while approximately 1,000 attended specialized schools. There were no government statistics available to confirm or refute these figures.

National/Racial/Ethnic Minorities

The constitution states that all citizens are equal, regardless of ethnic background, and provides for 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 is also a small Romani population in Tashkent, estimated at fewer 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 citizens to work and to choose their occupations. Although the law prohibits employment discrimination on the basis 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

Sexual relations between men are punishable by up to three years' imprisonment. Although there have not been any known arrests or convictions under this criminal provision since 2003, according to the lesbian, gay, bisexual, and transgender (LGBT) community, police and other law enforcement personnel used the threat of arrest or prosecution to extract heavy bribes from gay men. The law does not criminalize same-sex sexual activity between women.

Same sex sexual activity is generally a taboo subject in society, and there were no known LGBT organizations. There was also no known violence against the LGBT community. There were no 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 may be attributed to the social taboo against discussing same-sex relationships rather than to equality in such matters.

Other Societal Violence or Discrimination

According to statistics provided by Nurmat Atabekov, director of the National AIDS Center, in November, there were 24,539 HIV-positive individuals in the country, including 3,267 new cases registered in the first 10 months of the year. Approximately half of all cases of HIV infection were women (as opposed to 22 percent in 2005), and the majority of cases involved individuals between the ages of 25 and 49. Persons 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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, protects the right of workers to form and join independent unions and bargain collectively. The law neither provides for nor prohibits the right to strike. The law prohibits antiunion discrimination. Volunteers in public works and workers employed by individuals without documented contracts do not have legal protection.

In practice workers generally did not exercise their right to form and join unions due to 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 were 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. Unions were government-organized institutions with little bargaining power aside from some influence on health and work safety issues, and workers did not exercise collective bargaining rights. For example, 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 law prohibits all forms of 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. The government did not effectively enforce such laws.

Government-compelled forced labor occurred during the cotton harvest, when authorities applied varying amounts of pressure on many governmental institutions, businesses, and institutions of higher education to organize college and lyceum students (15- to 18-year-old students who are completing the last three years of their secondary education), teachers, medical workers, government personnel, military personnel, and nonworking segments of the population to pick cotton in many parts of the country. Credible reporting suggested that the use of forced mobilization of adult state workers during the cotton harvest continued to expand, likely to compensate for reductions in child labor. Authorities continued to expect many teachers and school administrators to participate in the harvest, either as supervisors or by picking cotton themselves. The majority of schools remained open full time, albeit with reports of staff shortages that affected the number of classes held. There continued to be reports that 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 and essential public services delayed.

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

c. Prohibition of Child Labor and Minimum Age for Employment

Laws to protect children from exploitation in the workplace provide for 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. 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-old children 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. 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 prohibit employers from using children to work under a list of hazardous conditions,

including work underground, underwater, at dangerous heights, or with dangerous equipment. Children were employed in agriculture, in family businesses such as bakeries and convenience stores, and as street vendors.

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 were reached. The government did not allow independent organizations to monitor child labor comprehensively in the cotton sector, nor did 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.

The law does not explicitly provide authority for inspectors from the Ministry of Labor and Social Protection to enforce the child labor laws. Enforcement of child labor laws is under the jurisdiction of the Ministry of Labor and Social Protection, the prosecutor general, the Ministry of Interior, and the Ministry of Interior's general criminal investigators. In contrast with past years, the Office of the Prime Minister took the lead role in coordinating enforcement of its decree to keep children out of cotton fields. Local officials often participated by forming monitoring groups to ensure that parents and schools did not allow their children to pick cotton. It was unclear whether the Ministry of Interior conducted inspections in the agricultural sector. There were no known prosecutions for child labor during the year. The government asked UNICEF for its observations of the harvest in order to investigate local officials who mobilized children.

Children worked in the cultivation and picking of cotton. Many thousands of college, lyceum, and university students between the ages of 15 and 18 worked in the cotton fields during the annual harvest as a result of government mobilization. While pressure to use forced adult or forced child labor in the cotton sector continued to be prevalent in some regions, other regions attracted a consenting adult work force. During the fall harvest, local administrators in many regions closed colleges 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 14, a few younger students were observed by domestic human rights organizations. There were isolated reports of some students as young as 10 working in the fields as well as a handful of reports of mobilized groups of schoolchildren participating in the harvest. In one such instance, HRAU representatives reportedly observed fourth- to sixth-grade students from school 70 (Beshkaltak Village, Yakkabog District of Kashkadaryo Region) picking cotton on October 23. Authorities generally took steps to address these reports. Observers reported that older students often worked 10-hour days and frequently were housed in tents or barracks away from their families.

Students and adults typically earned between 150 and 200 soum ($.08 to $.10) per kilogram (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 80 kilograms per day. The resulting daily wage was between 3,000 and 8,000 soum ($1.50 to $4.00) for younger students and 7,500 to 16,000 soum ($3.75 to $8.00) per day for older students. As in past years, there continued to be reports that universities threatened to expel students who did not participate in the harvest or required students to sign statements indicating their "voluntary" participation in the harvest.

Working conditions varied greatly by region. Although UNICEF reported that working and living conditions improved during the year to include more available medical care and better supervision,

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.

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

d. Acceptable Conditions of Work

The national minimum wage between December 2011 and July 2012 was 62,920 soum ($31) per month. On August 1, it was raised 15 percent to 72, 355 soum ($36), and, on December 1, it was raised an additional 10 percent to 79, 590 ($40). Officials reported the poverty level as consumption of fewer than 2,100 calories per day, but the government did not publish any indicators of poverty level. According to the latest available data, 17 percent of the population lived below the poverty level, 5 percent were unemployed, and approximately 60 percent of the employed population had low-productivity and low-income jobs.

The law establishes a standard workweek of 40 hours and requires a 24-hour rest period. The law provides overtime compensation as 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. The law states that overtime compensation should not be less than 200 percent of the employee's average monthly salary rate. Additional leave time should not be less than the length of actual overtime work. An employee may not work more than 120 hours of overtime per year, but this limitation was not generally observed, particularly in the public sector. The law prohibits compulsory overtime.

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. Labor inspectors conducted routine inspections of small- and medium-sized businesses once every four years and inspected larger enterprises once every three years. In addition, the 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.

Approximately five to eight labor inspectors staffed offices in each of the country's 14 administrative units, and there also were specialized offices for major industries, such as construction, mining, and manufacturing. Labor inspectors usually focused on the private sector, while inspections of state-owned enterprises were considered pro forma. Penalties reportedly were often selective, and in many cases employers reportedly were able to mitigate penalties through informal agreements with inspectors. According to the law, health and safety standards should be applied in all sectors. However, the law remained unenforced in the informal economy, where employment was usually not documented. However, during the year the Ministry of Labor and Social Protection, in cooperation with the tax authorities, inspected all private clinics in order to target the widespread practice of employing specialists without employment contracts.

In accordance with the Law on Workers' Safety, workers legally may remove themselves from hazardous work if an employer failed to provide adequate safety measures for the job. Workers generally 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 the law.

According to official sources, only approximately 360,000 employees (out of 12 million) received the minimum salary. In September the government amended the salary scale to raise the minimum monthly salary for full-time employees from 72,355 ($36) to approximately 179,000 soum ($89). There were no current official statistics concerning the average monthly wage, but most experts estimated a figure of approximately 705,000 soum ($350) before taxes. This level did not include wages in the agricultural sector. Reliable data or estimates on actual average household income were not available.

The government and official media did not publish data on the number of employees in the informal economy. Many such employees had official part-time or low-income jobs. There were no effective government programs to provide social protections to workers in the informal economy. Violations of wage, overtime, and occupational health and safety standards were most common in the public sector.

- Security forces
- Torture