

# UZBEKISTAN 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Uzbekistan is a constitutional republic with a political system dominated by President Shavkat Mirziyoyev and his supporters. On December 4, 2016, former prime minister Shavkat Mirziyoyev won the presidential elections with 88 percent of the vote. The Organization for Security and Cooperation's Office for Democratic Institutions and Human Rights (OSCE/ODHIR), in its final election observation report, noted, "the campaign lacked competitiveness and voters were not presented with a genuine choice of political alternatives," with OSCE/ODHIR observers "citing serious irregularities inconsistent with national legislation and OSCE commitments, including proxy voting and indications of ballot box stuffing." At the same time, the report also identified positive changes, such as the election's increased transparency, service to voters with disabilities, and unfettered access for more than 500 international observers. Parliamentary elections took place in December 2014. According to the OSCE's observer mission, those elections did not meet international commitments or standards.

Civilian authorities generally maintained effective control over the security forces, but security services permeated civilian structures, and their interaction was opaque, making it difficult to define the scope and limits of civilian authority.

The most significant human rights issues included torture and abuse of detainees by security forces, arbitrary arrest, and incommunicado and prolonged detention. Prison conditions were harsh and sometimes life-threatening. Authorities subjected human rights activists, journalists, and others who criticized the government, as well as their family members, to physical abuse and politically motivated prosecution and detention. There were restrictions on freedom of speech and the press, including through the enforcement of repressive criminal libel laws; restrictions on assembly, association; and restrictions on civil society; widespread restrictions on religious freedom, including imprisonment of believers of all faiths; and restrictions on freedom of movement. Citizens were unable to choose their government in free, fair, and periodic elections, and corruption was endemic. Human rights problems also included human trafficking, including government-compelled forced labor, and incarceration of LGBTI individuals based on laws criminalizing same-sex sexual conduct.

Government prosecutions of officials were rare, selective, but often public, and officials frequently engaged in corrupt practices with impunity.

**Section 1. Respect for the Integrity of the Person, Including Freedom from:****a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports that the government or its agents committed arbitrary or unlawful killings, including by torture.

In July Human Rights Watch (HRW) called on the government to investigate the enforced disappearance and death in prison of human rights activist and opposition party member Nuraddin Jumaniyazov, initially arrested in 2014 on alleged political motivations. His trial and arrest had numerous procedural shortcomings, according to HRW and his lawyer, Polina Braunerg. In speaking with HRW, Braunerg stated Jumaniyazov had been tortured and that she was barred from communicating with him after October 2014. Jumaniyazov and his lawyer had made an appeal to the courts to seek medication for his ailments. In 2015 the UN Human Rights Committee called on the government to produce information regarding Jumaniyazov, but nongovernmental organizations (NGOs) reported no reply from the government. In February officials informed Braunerg she could meet with Jumaniyazov in a prison hospital, but she was not informed of his death. Jumaniyazov allegedly died in prison in December 31, 2016, from tuberculosis and diabetes-related issues.

In January *Asiaterra.info*, an independent website, reported that Muradilla Omonov, a businessman, died in Jarkurgan District of Surkhandarya Region after he was detained with no legal explanation and brought to the police department in Jarkurgan. Omonov's family demanded exhumation of his body, and medical examiners found the body bore signs of physical abuse inconsistent with the official cause of death, heart attack. Police later revised the cause of death to suicide. On October 20, family members received a letter from the Prosecutor General's Office that stated a special task force of investigators reviewed the case and concluded that there was no evidence that contradicted the official version of suicide.

**b. Disappearance**

There were no reports of politically motivated long-term disappearances by or on behalf of government authorities.

In its 2017 annual report, the Geneva-based UN Working Group on Enforced or Involuntary Disappearances noted it had seven outstanding cases from previous years. According to the working group, the government did not respond to the group's requests to visit the country.

### **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, incriminating information, or for corrupt financial gain. Sources reported that torture and cruel, inhuman, or degrading treatment was common in prisons, pretrial facilities, and local police and security service precincts for those arrested or detained on religious or extremism charges. Reported methods of abuse included harsh beatings, denial of food and use of toilet, and tying of hands. There were also continued reports that authorities exerted psychological pressure on detainees, including threats against family members and blackmail. Torture and impunity for torturers continued regarding members of faith communities organized outside of the state religion, including Muslims, Protestants, and Jehovah's Witnesses, according to members of the religious communities.

In 2010 the UN Human Rights Committee expressed concern that the definition of torture in the criminal code did not conform to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, to which the country is a party. In March a new law on torture went into force. Article 8 of the Law on Police states, "employees of the internal affairs cannot employ torture, violence, or other cruel or degrading treatments. The employee of the internal affairs is obliged to prevent intentional acts causing pain, physical or moral suffering to the citizen." During the year the government began allowing international inspections of the prison system. In September UNICEF visited a prison for juvenile offenders and in October, the UN special rapporteur on freedom of religion or belief visited the maximum-security prison Jaslyk during his 11-day country visit.

On May 26, the Initiative Group of Independent Human Rights Defenders of Uzbekistan reported that the Tashkent City Criminal Court charged 11 Muslims-- Ravshan Mirzaev, Dilshod Kamilov, Abdurashid Rashidov, Khusnuddin Inagamov, Sobirjon Khasanov, Bakhodir Sadikov, Afzaljon Urunov, Ravshan Sadikov, Davron Fayziev, Latip Yusupov, and Khusnuddin Rizaev--with attempts to overthrow the state. During court proceedings, Rizaev and others reported that

National Security Service (NSS) officers used torture to extract false confessions, including threats to rape Rizaev's wife in front of him. Judge Iroda Mukhamedova and government prosecutors reportedly did not address the torture claims.

### **Prison and Detention Center Conditions**

Prison conditions were in some circumstances harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: There were reports that, in some facilities, authorities held separately those inmates convicted of attempting to overthrow the constitutional order, according to human rights monitors.

Reports of overcrowding, severe abuse, and shortages of medicine were common. Inmates generally had access to potable water and food, but both reportedly were of poor quality. There were reports of political prisoners held in cells without proper ventilation and subjected to temperatures below freezing in winter and over 120 degrees Fahrenheit in summer; detention facilities commonly lacked heat or air conditioning. Family members also reported occasions when officials 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. As political prisoners were released, they reported to HRW and others being beaten and otherwise tortured, including the use of stress positions, while in prison.

Prison administration officials reported an active World Health Organization tuberculosis (TB) program in the prisons and an HIV/AIDS treatment and prevention program. Visiting Centers for Disease Control and Prevention officials noted continued high rates of TB infection in the prison system. Government efforts to lower infection rates were largely unsuccessful due to poor compliance with treatment plans. Officials reported hepatitis was not present in high numbers and that hepatitis patients received treatment in existing medical facilities and programs. Reports of such treatment could not be verified independently because access to such facilities was frequently denied.

Administration: There was no information available whether recordkeeping on prisoners was adequate. Authorities in limited cases used administrative measures such as bail, house arrest, and correctional work as alternatives to criminal sentences for nonviolent offenders. In addition, the criminal code mandates that courts cannot sentence individuals to prison if he or she has paid a fine in full. The

government usually respected these injunctions unless a case was considered politically sensitive.

The Human Rights Ombudsman's Office and the Prosecutor General's Office may investigate complaints from detainees. The Ombudsman's Office may make recommendations on behalf of specific prisoners, including changes to the sentences of nonviolent offenders to make them more appropriate to the offense. Family members of detained or released prisoners said their complaints to the ombudsman went unanswered or were referred to the original sentencing court for redress without investigation by the ombudsman.

Prison officials generally allowed family members to visit prisoners for up to four hours two to four times per year. Relatives of prisoners held on religious or extremism charges reported occasional denial of visitation rights. Officials also permitted longer visits of one to three days two to four times per year, depending on the type of prison facility, as well as overnight stays. Family members of political prisoners reported that officials frequently delayed or severely shortened visits arbitrarily. Family members of other prisoners mentioned that visits were often conditional on payment of a bribe to officials.

The government stated 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 conflicting with the prison's schedule. Such rituals included traditional Islamic morning prayers. Authorities forbid prisoners to observe religious holidays such as Ramadan, with no fasting allowed. Although some prison libraries had copies of the Quran and the Bible, family members continued to complain that authorities did not allow prisoners access to religious materials.

According to official government procedures, prisoners have the right to "participate in religious worship and family relations, such as marriage." "Close relatives" also have the right to receive oral and written information from prison officials about the health and disciplinary records of their family members. Families continued to report that the government provided limited to no information or withheld information contained in health and prison records.

Family members and NGOs stated that authorities at times 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 of violating vague or internal prison rules, or claiming the prisoners represented a continuing danger to society.

Independent Monitoring: Independent observers had limited access to some parts of the penitentiary system, including pretrial detention facilities, juvenile and women's prisons, and prison settlements. Between September 15 and 19, UNICEF visited the prison for juvenile offenders (juvenile colony) and two correctional-educational facilities jointly with the prosecutor's general office. The International Committee for the Red Cross has not visited detainees since 2013. In October the UN special rapporteur on freedom of religion or belief, Ahmed Ahmed Shaheed, visited Jaslyk, a maximum-security prison.

#### **d. Arbitrary Arrest or Detention**

The constitution and the law prohibit arbitrary arrest and detention, but authorities continued to engage in such practices. During the year several prominent political prisoners were released from prison. Nonetheless, arbitrary arrest on political grounds continued amidst such releases.

#### **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, maintenance of order, and the investigation of general crimes. The Prosecutor General's Office investigates violent crimes such as homicide as well as corruption by officials and abuse of power. The NSS, headed by a chairman who reports directly to the president, deals with national security and intelligence problems, including terrorism, corruption, organized crime, border control, and narcotics. When jurisdictions overlap, the agencies determine among themselves which takes the lead.

Impunity was a pervasive problem. The Ministry of Interior is officially charged with investigating and disciplining officers accused of human rights violations. There were no cases resulting in discipline in practice. The Human Rights Ombudsman's Office, affiliated with parliament, also has the power to investigate cases, although its decisions on such investigations have no binding authority.

#### **Arrest Procedures and Treatment of Detainees**

By law a judge must review any decision to arrest accused individuals or suspects. Judges granted arrest warrants in most cases. Defendants have the right to legal counsel from the time of arrest. State-appointed attorneys are available for those who do not hire private counsel. Officials did not always respect the right to counsel and occasionally forced defendants to sign written statements declining the right. Authorities' selective intimidation and disbarment of defense lawyers produced a chilling effect that also compromised political detainees' access to legal counsel. The law authorizes the use of house arrest as a form of pretrial detention.

The law allows detainees to request hearings before a judge to determine whether the detainees remain incarcerated or may be released before trial. In practice authorities rarely granted these hearings. The arresting authority is required to notify a relative of a detainee about the detention and to question the detainee within 24 hours of arrest. There were complaints authorities tortured suspects before notifying either family members or attorneys of their arrest to gain confessions.

Suspects have the right to remain silent and must be informed of the right to counsel. Detention without formal charges is limited to 48 hours, although a prosecutor can request an additional 48 hours, after which the person must be charged or released. Authorities typically held suspects after the allowable period of detention, according to human rights advocates. After formal charges are filed, the prosecutor decides whether a suspect is released on bail (or on the guarantee of an individual or public organization acting as surety), stays in pretrial detention, or is kept under house arrest. The judge conducting the arrest hearing is allowed to sit on the panel of judges during the individual's trial.

The law requires authorities at pretrial detention facilities 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 the Prosecutor General's Office.

Once authorities file charges, suspects may be held in pretrial detention for up to three months while investigations proceed. The law permits an extension of the investigation period for as much as one year at the discretion of the appropriate court upon a motion by the relevant prosecutor, who may also release a prisoner on bond pending trial. According to human rights advocates, authorities frequently ignored these legal protections. Those arrested and charged with a crime may be

released without bail until trial on the condition they provide assurance of “proper behavior” and that they will appear at trial.

A decree requires that all defense attorneys pass a comprehensive relicensing examination. As in past years, several experienced and knowledgeable defense lawyers who had represented human rights activists and independent journalists lost their licenses after taking the relicensing examination or because of letters from the bar association under the control of the Ministry of Justice claiming that they violated professional ethical norms. As a result several activists and defendants faced difficulties in finding legal representation. Journalist Bobomurod Abdullayev was arrested on September 27 and held in detention for four days before his family was contacted and notified about his imprisonment; Abdullayev was denied access to legal representation until November 13, six weeks after his arrest. The delay was in part due to official pressure on attorneys not to take up the case, as reported by human rights activists following the case. The delay was also in part due to investigators’ warning the family not to hire legal counsel or provide press interviews.

Although unlicensed advocates cannot represent individuals in criminal and civil hearings, courts have the discretion to allow such an advocate if he or she belongs to a registered organization whose members are on trial.

Arbitrary Arrest: Authorities continued to arrest or detain persons arbitrarily on charges of extremist sentiments or activities and association with banned but previously legally registered religious groups. Local human rights activists reported that police and security service officers frequently detained and mistreated family members and close associates of registered religious and banned religious groups. Allegations of coerced confessions and testimony in such cases were commonplace.

In June the government began to phase out the use of blacklists, which contained the names of those convicted for religious crimes or crimes against the regime. Inclusion on such lists required regular visits to police for interrogation, denied issuance of passports and travel visas, and, in some cases, prohibited the purchase and use of smartphones. NGOs reported that the government was removing individuals from the blacklist after a government panel examined them for suitability to reintegrate into society. There were reports that other high-profile former prisoners and journalists, such as Muhammad Bekjanov and Khayirula Khamidov, had been removed from these blacklists.



Pretrial Detention: Prosecutors generally exercised discretion over most aspects of criminal procedures, including pretrial detention. In practice detainees had no access to a court to challenge the length or validity of pretrial detention, despite the right to do so granted by law. Even when authorities did not file charges, police and prosecutors frequently sought to evade restrictions on the length of time persons could be held without charges by holding them as witnesses rather than as suspects. Human rights defenders noted incidents where security personnel used pretrial detention from one to three months without formal charges or a court hearing. The government did not provide information regarding the number of persons held in pretrial detention centers.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law detainees or former detainees are able to challenge the lawfulness of their detention before a court. Appeals are sometimes open to the public by request of the applicant. New evidence is rarely heard. Appeal courts generally review previous trial records and ask applicants to declare for the record their innocence or guilt. Appeals rarely result in the courts overturning their original decisions.

Amnesty: Authorities annually grant amnesty and release individuals imprisoned for religious extremism or political grounds.

For example, in February Mukhammad Bekjanov, a former editor of the opposition newspaper *Erk*, was released after 18 years in prison. Additionally in February Rustam Usmanov, a political activist and government critic, was released after 19 years in prison. In March independent journalist (and cousin of the late president Karimov), Jamshid Karimov, was released from custody after 10 years of confinement without charges. In August Erkin Musaev, former director of international cooperation at the Ministry of Defense, was released after 10 years behind bars.

In October the government released five political prisoners. On October 3 and 4, the government released activist Agzam Farmonov, who served 11 years in prison, and journalist Solijon Abdurahmonov, who spent nine years in prison. On October 7, opposition and human rights activist Agzam Turgunov was released after serving nine years in prison. Later, on October 16 and October 18, respectively, human rights activists Ganihon Mamathonov and Muhammadali Qoraboev were released after spending eight and 11 years in prison.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary; however, there were some instances in which the judiciary did not operate with complete independence and impartiality. Although the constitution provides for an independent judiciary, members of the judiciary reportedly rendered verdicts desired by the Prosecutor General's Office or other law enforcement bodies.

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

### **Trial Procedures**

The criminal code specifies a presumption of innocence. Most trials were officially open to the public, although access was sometimes restricted. Judges may close trials in exceptional cases, such as those involving state secrets or to protect victims and witnesses. Judges generally permitted international observers at proceedings without requiring written permission from the Supreme Court or court chairmen, but judges or other officials arbitrarily closed some proceedings to observers, even in civil cases. Authorities generally announced trials only one or two days before they began, and hearings were frequently postponed.

A panel of one professional judge and two lay assessors, selected by committees of worker collectives or neighborhood committees, generally presided over trials. Lay judges rarely speak, and the professional judge usually accepts the prosecutors' recommendations on procedural rulings and sentencing.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence, but judges declined defense motions to summon additional witnesses or to enter evidence supporting the defendant into the record. In the overwhelming majority of criminal cases brought to trial, the verdict was guilty. Defendants have the right to hire an attorney although some human rights activists encountered difficulties finding legal representation. The government provided legal counsel and interpreters without charge when necessary. According to credible 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 and fear of possible recriminations.

By law a prosecutor must request an arrest order from a court, and courts rarely denied such requests. Prosecutors have considerable power after obtaining an arrest order: They direct investigations, prepare criminal cases, recommend

sentences to judges, and may appeal court decisions, including the sentence. After formal charges are filed, the prosecutor decides whether a suspect is released on bail, stays in pretrial detention, or is kept under house arrest. Although the criminal code specifies a presumption of innocence, 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 authorities allegedly were thought to extract through abuse, threats to family members, or other means of coercion. This was especially common in religious extremism cases. 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 investigate properly allegations of torture. Judicial verdicts frequently alleged that defendants claimed torture to avoid criminal responsibility.

Legal protections against double jeopardy were not applied.

The law provides a right of appeal to defendants, but appeals rarely resulted in reversals of convictions. In some cases, however, appeals resulted in reduced or suspended sentences.

### **Political Prisoners and Detainees**

International and domestic human rights organizations estimated that authorities held hundreds of prisoners on political grounds, and some groups asserted the number was in the thousands. These claims were not statistically and independently verifiable. The government denied it held political prisoners and maintained that these individuals are criminals who broke the law. The government does not permit access to such persons by human rights or humanitarian organizations such as the International Federation of the Red Cross and Red Crescent.

On October 15, Malohat Eshonqulova and Elena Urlaeva were detained for up to five hours in Samarkand for their monitoring of labor in the cotton harvest. On November 12, police raided Eshonqulova's home and confiscated some of her belongings, fined her, and threatened her with internal deportation.

On September 27, *Fergana News* and others reported journalist Bobomurod Abdullayev had been secretly arrested. Several NGOs reported he was held incommunicado from family members and that his lawyer was not permitted to

speak to him. Fergana reported that, on September 29, the NSS searched Abdullayev's house and that several media and data items were taken by officials. Abdullayev reappeared in court on October 2; Reporters without Borders, Amnesty International, and Human Rights Watch called for his release. Abdullayev, under the pseudonym Usman Khaknazarov, was charged with disseminating propaganda "aimed at overthrowing the constitutional order." The case continued at year's end.

### **Civil Judicial Procedures and Remedies**

Citizens may file suit in civil courts for alleged human rights violations by officials, excluding investigators, prosecutors, and judges. There were reports that bribes to judges influenced civil court decisions.

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

Although the constitution and law forbid arbitrary or unlawful interference with privacy, family, home, or correspondence, authorities did not respect these prohibitions. The law requires that prosecutors approve requests for search warrants 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 religious groups without a warrant. According to Forum 18, a Norwegian NGO that reports on religious freedom, members of Baptist, Protestant, Jehovah's Witnesses, and other minority churches holding worship services in private homes reported that armed security officers raided services and detained and fined church members for religious activity deemed illegal. Among such incidents were raids in Almalyk in February, in Tashkent in March and April, and in Nukus in April. Baptist congregants reported home intrusions by authorities even when they gathered to celebrate important occasions such as birthdays. They also reported harassment and interference by authorities when publicly reading the Bible.

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 (mahalla) committees as a source of information on potential "extremists." The committees

provided various social support functions, but they also functioned as an informational link from local society to government and law enforcement. Mahallas in rural areas tended to be more influential than those in cities.

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

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, but the government restricted these rights for both online and offline media.

Freedom of Expression: The government exercises official and unofficial restrictions on the ability of individuals to criticize the government or to discuss matters of general public interest. The law restricts criticism of the president, and publicly insulting 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.

Press and Media Freedom: Independent media does not operate freely because the state exercises broad control over media coverage. All media entities, foreign and domestic, must register with authorities and provide the names of their founder, chief editor, and staff members. Print media must also provide hard copies of publications to the government. 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 subjects foreign media outlets to domestic mass media laws. The government used accreditation rules to deny foreign journalists and media outlets the opportunity to work in the country.

Amendments to the Law on Information Technologies hold bloggers legally accountable for the accuracy of what they post and prohibit posts potentially perceived as defaming an individual's "honor and dignity." Limitations also preclude perceived calls for public disorder, encroachment on constitutional order, posting pornography or state secrets, issuing "threats to the state," and "other activities that are subject to criminal and other types of responsibilities according to legislation."

The government prohibited the promotion of religious extremism, separatism, and fundamentalism as well as the instigation of ethnic and religious hatred.

Articles in state-controlled newspapers reflected the government's viewpoint. The main government newspapers published selected international wire stories. The government prohibited legal entities with more than 30 percent foreign ownership from establishing media outlets. 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 used large-circulation tabloids, such as *Darakchi* and *Bekajon*, as platforms to publish articles that criticized lower-level government officials. A few purportedly independent websites consistently reported the government's viewpoint. During the year, however, press and news organizations began broadcasting and publishing a wider variety of views and news, to include criticisms and policies enacted under former president Karimov. In July the government launched *Ozbekiston*, a 24-hour news channel that broadcast current affairs and news in Uzbek, Russian, and English. Most of the programming was prerecorded for later broadcast, especially programming with political content or government officials.

Violence and Harassment: Police and security services subjected print and broadcast journalists to arrest, harassment, and intimidation as well as to bureaucratic restrictions on their activity. In August police detained Samarkand-based journalist Toshpulat Rahmatullayev for taking photos at the Samarkand Extension Center of the Tashkent University for a story on university enrollment and admissions testing. Police interrogated Rahmatullayev and deleted the journalist's photos from his camera before releasing him without charges. Uzbek Security Services arrested journalist Hayot Nasreddinov on October 20. Nasreddinov was a journalist and contributed as a blogger to RFE/RL's Uzbek service, according to Shukhrat Babadjanov, a reporter with the broadcaster. In 2012-13, he worked as a freelancer for Moscow-based *ferghana.ru*, which published dozens of his articles. Nasreddinov was charged with attempting to overthrow the constitutional order.

Censorship or Content Restrictions: Journalists and senior editorial staff in state media organizations reported that some officials' responsibilities included censorship. In many cases the government placed individuals as editors in chief with the expressed intent that they serve as the main censor for a particular media outlet. Continuing the past trend of moderate criticism of the government, online

publications like *Kommersant.uz* and *Nuz.uz* have published critical stories on issues such as electricity outages, currency, trade, and the black market.

Government security services and other offices regularly directed publishers and broadcasters to propagate stories that discredited individuals and human rights activists. In April online news site *UzMetronom*, known as a placement site for deliberate government leaks, including from the security ministries, distributed reports intended to discredit human rights activist Elena Urlaeva.

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.

In April a presidential decree established an “International Press Club” and directed ministers to begin engaging with the press. Minister of Foreign Affairs Abdulaziz Kamilov held a press conference July 5, during which he took questions and spoke on a range of issues for nearly two hours. Access to the press club is severely limited to predominantly state media representatives.

Libel/Slander Laws: 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 February businessman Olim Sulaymanov created a Facebook video that accused a Prosecutor General’s Office official of freezing his business assets after he refused to pay what he said was a protection racket fee. Sulaymanov later appeared on a talk show to discuss the case. Following the talk show appearance, the Prosecutor’s Office filed a court motion against Sulaymanov, accusing him of libel. In April a Tashkent court sentenced Sulaymanov to three years in jail.

## **Internet Freedom**

The government generally allowed access to the internet, including social media sites. Internet service providers, allegedly at the government’s request, routinely blocked access to websites or certain pages of websites that the government considered objectionable, such as *Fergananeews.com*, *Ozodlik.org*, and *Asiaterra.info*. The government blocked several domestic and international news websites and those operated by opposition political parties.

The media law defines websites as media outlets, requiring them to register with authorities and provide the names of their founder, chief editor, and staff members. Websites were not required to submit hard copies of publications to the government.

According to government statistics, approximately 39 percent of individuals in the country used the internet. Unofficial estimates, especially of internet access through mobile communications devices, were higher. Several active online forums allowed registered users to post comments and read discussions on a range of social problems. To become a registered user in these forums, individuals must provide personally identifiable information. It was not clear whether the government attempted to collect this information, although provisions of the Law on Information Technologies require internet cafe proprietors to log customers' browser history.

A decree requires all websites seeking the “.uz” domain to register with the government's Agency for Press and Information. The decree generally affected only government-owned or government-controlled websites. Opposition websites and those operated by international NGOs or media outlets tended to have domain names registered outside the country.

### **Academic Freedom and Cultural Events**

The government continued to limit academic freedom and cultural events. Authorities occasionally required department head approval for university lectures, and university professors generally practiced self-censorship.

Although a decree prohibits cooperation between higher educational institutions and foreign entities without the explicit approval of the government, foreign institutions often were able to obtain such approval through the Ministry of 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. Freedoms of Peaceful Assembly and Association**

#### **Freedom of Peaceful 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 required for demonstrations. Authorities subjected citizens to large fines, threats, arbitrary detention, and abuse for violating procedures for organizing meetings, rallies, and demonstrations or for facilitating unsanctioned events by providing space, other facilities, or materials. Organizers of “mass events” with the potential for more than 100 participants must sign agreements with the Ministry of Interior for the provision of security prior to advertising or holding such an event. This regulation was broadly applied, even to private corporate functions.

In February police in Bukhara initially detained 20 Shia men on charges of disorderly conduct but released 18 of the men either immediately or within 15 days. Authorities charged two individuals, Zhahangir Kulizhanov and Shavkat Azimov, with illegal public association related to establishment of a religious organization. Kulizhanov and Azimov were both sentenced to pay a fine of eight million soms (\$1,000), but Kulizhanov was further investigated by the NSS. On October 24, Bukhara Regional Criminal Court sentenced Kulizhanov to five years in prison term for dissemination of materials that threaten the public order.

### **Freedom of Association**

While the law provides for freedom of association, the government continued to restrict this right. The government sought to control NGO activity and expressed concerns regarding internationally funded NGOs and unregulated Islamic and minority religious groups. The operating environment for independent civil society, in particular human right defenders, remained restrictive. Activists reported continuing government control and harassment.

In August police in Karakalpakstan raided a private home where 25 members of an unregistered Protestant church gathered for dinner. All members of the church were taken into custody. One Uzbek-language bible was confiscated. According to a local NGO, diners claimed to have gathered for a private affair, while police claimed the group belonged to the same underground, unregistered church and were discussing religious matters. Karakalpakstan has only one registered non-Muslim faith church. The government reportedly has not registered a new Christian church location in eight years; the last time was the registering of an Armenian Apostolic Church in Tashkent.

The Ministry of Justice, which oversees the registration of NGOs, requires NGOs to obtain the ministry's approval to hold large meetings with nonmembers, including foreigners; to seek the ministry's clearance on any event materials to be distributed; and to notify the ministry in writing of the content and scope of the events in question.

There are legal restrictions on the types of groups that may be formed, and the law requires that all organizations be registered formally with the government. Authorities used registration requirements to bar foreign NGOs from the country. 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 intending to address sensitive issues, such as HIV/AIDS or refugee problems, often faced increased difficulties in obtaining registration. The government allowed nonpolitical associations and social organizations to register, but complex rules and a cumbersome bureaucracy further complicated the process and created opportunities for government obstruction.

The government compelled most local NGOs to join a government-controlled NGO association that allowed the government considerable oversight over their funding and activities. The government required NGOs to coordinate their training sessions or seminars with government authorities. NGO managers believed this stipulation created a way for the government to require prior official permission for all NGO program activities. The government claimed these regulations were intended to simplify registration requirements and lower registration fees, but independent civil society groups reported these requirements had not simplified registration procedures.

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 groups reported that authorities imposed restrictions after groups had registered, such as requiring advance permission from the Justice Ministry for many public activities.

The administrative liability code imposes large fines for violations of procedures governing NGO activity as well as for "involving others" in "illegal NGOs"; the law does not specify whether the term refers to NGOs suspended or closed by the government or merely NGOs not officially registered. The administrative code

also imposes penalties against international NGOs for engaging in political activities, activities inconsistent with their charters, or activities the government did not approve in advance.

The government continued to enforce the 2004 banking decree, ostensibly designed to combat money laundering, which complicated efforts by registered and unregistered NGOs to receive outside funding. The Finance Ministry required humanitarian aid and technical assistance recipients to submit information about their bank transactions. The Ministry of Justice required NGOs to submit detailed reports every six months on any grant funding received, events conducted, and events planned for the next six months. NGO leaders may be fined for conducting events without explicit permission from the ministry, and the fine was several times higher than for some criminal offenses.

Parliament's Public Fund for the Support of Nongovernmental, Noncommercial Organizations, and Other Civil Society Institutions continued to conduct grant competitions to implement primarily socioeconomic projects. Some civil society organizations criticized the fund for primarily supporting government-organized NGOs. The law criminalizes membership in organizations the government broadly deemed "extremist."

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

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 travel outside the Commonwealth of Independent States (CIS).

In-country Movement: Citizens were required to have a domicile registration stamp in their passport before traveling domestically or leaving the country, and the government at times delayed domestic and foreign travel and emigration during the visa application process. Permission from local authorities was required to move to Tashkent City or the Tashkent Region from other parts of the country. During the year authorities eased requirements for securing Tashkent residency permits by allowing any Uzbek citizen to obtain residency with the purchase of

real estate in excess of 720 million soms (\$90,000). Those living and working without Tashkent City or Tashkent Region registration were unable to receive city services and could not legally work, send their children to school, or receive routine medical care.

The government required hotels to register foreign visitors with the government on a daily basis. Foreigners staying in private homes were 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.

Foreign Travel: The government occasionally closed borders around national holidays due to security concerns. The government generally granted the requisite exit visas for citizens and foreign permanent residents to travel or emigrate outside the CIS. Exit visa procedures, however, allow authorities to deny travel based on “information demonstrating the inexpedience of the travel.” According to civil society activists, these provisions were poorly defined and denials could not be appealed. Authorities sometimes interfered in foreign travel if the purpose of the trip was expressly religious in nature.

The government requires 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, a regulation the government stated is aimed at combating trafficking in persons. Observers noted, however, that the majority of Uzbek trafficking victims abroad were male victims of labor trafficking.

Although the law requires authorities to reach a decision on issuing exit visas within 15 days, the government reportedly delayed exit visas for human rights activists and former political prisoners, such as Murod Juraev and Mukhammad Bekjanov. Murad Juraev applied for an exit visa in April and was approved to travel abroad at the end of October. Violating rules for exiting or entering the country is punishable by imprisonment of five to 10 years.

### **Protection of 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.

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.

In the absence of a resident Office of the UN High Commissioner for Refugees (UNHCR), the UN Development Program (UNDP) continued to assist with monitoring and resettlement processing of 18 pending (predominantly Afghan) refugee cases involving 27 individuals; such cases predated the closure of the local UNHCR office in 2006. During the year UNDP and temporary duty UNHCR staff processed five cases involving seven persons. Because the UNDP does not process new claims or make refugee status determinations, it referred potential applicants to UNHCR offices in neighboring countries.

The government did not accept UNHCR mandate certificates as a basis for extended legal residence; persons carrying such certificates must apply for either tourist visas or residence permits or face possible deportation. Residence permits were difficult to obtain. The government considered UNHCR mandate refugees from Afghanistan and Tajikistan to be economic migrants, and officials occasionally subjected them to harassment and demands for bribes. 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.

### **Stateless Persons**

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 could receive Uzbek citizenship only if both parents had a residence permit.

Although official data on the number of stateless persons was not available, authoritative human rights activists estimated there were 3,000 stateless persons in Khorezm Province, Bukhara Province, and the autonomous Republic of Karakalpakstan. Most of these individuals reportedly were women who had married and lived in neighboring Turkmenistan prior to the country's independence in 1991. There also were reports of stateless populations in Sirdaryo and Qashkadaryo Provinces. There were reports of authorities revoking citizenship for ethnic Tajiks on allegations of fraud, even in cases where Uzbek passports had been issued more than a decade ago, rendering such persons stateless.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The government in practice did not conduct free and fair elections, severely restricted freedom of expression, and suppressed political opposition.

#### **Elections and Political Participation**

Recent Elections: Former president Karimov died in September 2016, and a special presidential election took place on December 4, 2016. Acting Interim President and Prime Minister Shavkat Mirziyoyev won the election with 88 percent of the vote. Mirziyoyev was one of four candidates who ran for election. For the 2016 special presidential elections, the government for the first time invited OSCE/ODIHR to conduct a full-scope observation mission with both short- and long-term observers. According to OSCE/ODIHR, the 2016 presidential election demonstrated that systemic shortcomings in the election system persisted and that the dominant position of state actors and limits on fundamental freedoms continued to undermine political pluralism. These conditions resulted in a campaign that lacked genuine competition. Due to a highly restrictive and controlled media environment, voters did not have access to alternate viewpoints beyond a state-defined narrative. The OSCE/ODIHR report indicated significant irregularities were noted on election day, including indications of ballot box stuffing and widespread proxy voting.

The most recent parliamentary elections took place in December 2014. The OSCE considered those elections not in accordance with international standards. During their observations, OSCE observers uncovered registration restrictions of potential voters, restrictions on a candidate's ability to be listed on a ballot, lack of candidate's access to media, ballot stuffing, lack of ballot secrecy, and intimidation.

Political Parties and Political Participation: The law allows independent political parties. The Ministry of Justice has broad powers to oversee parties and may withhold financial and legal support to those they judge to be opposed to government policy. There are four registered political parties. The law makes it difficult for genuinely independent political parties to organize, nominate candidates, and campaign. The law allows the Ministry of Justice to suspend parties for as long as six months without a court order. The government also

exercises control over established parties by controlling their financing and media exposure.

In the 2016 special presidential elections, the OSCE/ODIHR observation mission identified shortcomings in the electoral process. Voters lacked a genuine choice of political alternatives. Only registered political parties could nominate candidates. The government did lower the number of signatures needed to gather on a nominating petition from 5 percent to 1 percent of voters nationwide. There were no debates among the candidates themselves.

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, or 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 law also prohibits the Islamist political organization Hizb-ut-Tahrir, stating it promotes hate and condones acts of terrorism.

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

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. National minorities have full political rights under the constitution, and campaign materials were available in minority languages. The Central Election Commission passed a regulation in 2016 ensuring persons with disabilities could independently participate in the election. In addition, as a first time initiative, the Central Elections Commission printed some ballots in braille.

#### **Section 4. Corruption and Lack of Transparency in Government**

In December 2016 parliament approved a new law to fight corruption. The law strengthens criminal penalties for official corruption. Despite some high-level corruption-related arrests, corruption remained endemic, and officials frequently engaged in corrupt practices with impunity.

Corruption: On June 13, President Mirziyoyev announced that in the first six months of the year seven judges were “brought to justice,” including the

chairperson of the Andijon Regional Economic Court, and arrested for receiving a bribe of 1.2 billion soms (\$150,000).

In July the Office for Combating Organized Crime and Corruption of the General Prosecutor's Office published details on criminal cases being brought against Gulnara Karimova, daughter of the first president of the country, Islam Karimov. According to published reports, a Tashkent court sentenced her to five years in prison in August 2015. The investigation of additional criminal charges continued. The total amount of damage to the interest of the state and its citizens in the two specified criminal cases reportedly was more than 3.7 trillion soms (\$457 million). The government initiated measures to seek the return of assets from other countries.

Financial Disclosure: Government officials are required to disclose only income from outside employment, and such disclosures were not publicly available.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic human rights groups operated in the country, although the government often hampered their ability to operate, investigate, and publish their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. At times, the government harassed and intimidated human rights and civil society activists.

The government officially acknowledged two domestic human rights NGOs: Ezgulik and the Independent Human Rights Organization of Uzbekistan. Ezgulik representatives reported that authorities' harassment, intimidation, and threats of judicial proceedings against members continued to hamper their activities. Other groups were unable to register but continued to function at the national and local levels.

Organizations that attempted to register in previous years and remained unregistered included the Human Rights Alliance, Najot, the Humanitarian Legal Center, 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.



Government officials spoke informally with domestic human rights defenders, some of whom were able to resolve cases of human rights abuses through direct engagement with authorities if they did not publicize these cases.

The United Nations or Other International Bodies: The government cooperated with and permitted visits by UN representatives, as well as those from UN specialized agencies such as the International Labor Organization (ILO) and other international organizations that monitor human rights. In May UN high commissioner for human rights Zeid Ra'ad Al Hussein visited the country. In June UN Secretary-General Antonio Guterres visited the country. In September the UN special rapporteur on freedom of religion or belief came for two weeks of monitoring and investigations. In September HRW visited the country after being expelled in 2011. In October the OSCE Office for Freedom of the Media held its 19th regional Central Asia media conference, "Open Journalism," for the first time in more than a decade in Tashkent.

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 goals of the Human Rights Ombudsman's Office 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 mediated disputes between citizens who contacted it and made recommendations to modify or uphold decisions of government agencies, but its recommendations were not binding. In July the president strengthened the powers of the Ombudsman's Office by permitting it to make unannounced inspections of prisons and established a separate division to investigate government abuse of businesses.

The National Human Rights Center (NHRC) 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 complied with its international obligations to provide human rights information. The NHRC cooperated with the OSCE in the development of a National Action Plan on Human Rights, and in November the office organized an international conference on the government's conduct of human rights.

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

## Women

Rape and Domestic Violence: The law prohibits rape, including rape of a “close relative,” but the criminal code does not specifically prohibit spousal rape, and the courts did not try any rape cases, according to human rights activists. Cultural norms discouraged women and their families from speaking openly about rape, and the press rarely reported it.

The law does not specifically prohibit domestic violence, which remained common. While the law punishes physical assault, police often discouraged women in particular from making complaints against abusive partners, and officials rarely removed abusers from their homes or took them into custody. Local authorities emphasized reconciling the husband and wife, rather than addressing the abuse.

There are government-run shelters for victims of domestic abuse.

Other Harmful Traditional Practices: Polygamy is practiced in some parts of the country. The law punishes polygamy with up to three years of imprisonment and fines, and does not penalize the women in such cases.

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

Coercion in Population Control: There were reports government doctors pressured women to accept birth control or employ medical measures, such as sterilization purportedly to control the birth rate and reduce infant and maternal mortality. Contacts in the human rights and health-care communities confirmed there was anecdotal evidence suggesting that sterilizations without informed consent occurred, although it was unclear whether the practice was widespread and whether senior government officials directed it.

Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Legal status and rights are the same for men and women, except the labor code prohibits women from working in many industries open to men. The government provided little data that could be used to determine whether women experienced discrimination in access to employment or were paid less for substantially similar work.

## **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 regular access to government health facilities.

Child Abuse: Society generally considered child abuse to be an internal family matter; little official information was available on the subject.

Early and Forced Marriage: The minimum legal age for marriage is 17 for women and 18 for men, although a district may lower the age by one year in exceptional cases. In some rural areas, girls as young as 15 were married in religious ceremonies not officially recognized by the state.

Sexual Exploitation of Children: The law seeks to protect children from "all forms of exploitation." Involving a child in prostitution is punishable by a fine of 25 to 50 times the minimum monthly salary and imprisonment for up to five years.

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

Institutionalized Children: According to UNICEF, almost 20,000 children with disabilities are currently in institutions for the disabled. The rest of these children, an estimated 60 percent, receive no form of education. UNICEF reported that many of these children could be with their families if support were given to the families and inclusive education facilities provided.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

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. Observers estimated the Jewish population at 10,000, concentrated mostly in Tashkent, Samarkand, the Fergana Valley, 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* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, but societal discrimination based on disability occurred.

The government continued efforts to confirm the disability levels of citizens who received government disability benefits, claiming it did so to ensure the legitimacy of disability payments. Unconfirmed reports suggested, however, that in the process authorities unfairly reduced benefits to some individuals.

The law allows for fines if buildings, including private shops and restaurants, are not accessible, and activists reported authorities fined individuals or organizations in approximately 2,500 cases during the year. Disability activists reported accessibility remained inadequate, noting, for example, that many of the high schools constructed in recent years had exterior ramps but no interior modifications to facilitate access by wheelchair users.

The Ministry of Health controlled access to health care for persons with disabilities, and the Ministry of Employment and Labor Relations facilitated

employment of persons with disabilities. No information was available regarding patterns of abuse in educational and mental health facilities.

Disability rights activists reported that discrimination occurred and estimated that 90 percent of persons with disabilities were unemployed. The government indicated 17,000 jobs were set aside for persons with disabilities and during 2016, and the authorities provided employment for more than 4,000 citizens with disabilities. The government mandates that social infrastructure sites, urban and residential areas, airports, railway stations, and other facilities must allow for disabled access, although there were no specific government programs implemented and activists reported particular difficulties with access.

Students with disabilities studied braille books published during Soviet times, but there were some computers adapted for persons with vision disabilities.

### **National/Racial/Ethnic Minorities**

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.”

Officials reportedly reserved senior positions in the government bureaucracy and business for ethnic Uzbeks, although there were numerous exceptions.

Complaints of societal violence or discrimination against members of ethnic minority groups were rare.

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

Sexual relations between men are punishable by up to three years’ imprisonment. The law does not criminalize same-sex sexual activity between women. On December 3, Eurasianet.org reported that two men had been arrested in Tashkent under the charges of engaging in illegal sexual relations. According to the report, the police told media they had conducted intrusive medical examinations to confirm that the men had engaged in sexual intercourse. According to members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, police and other law enforcement personnel used the threat of arrest or prosecution to extract heavy bribes from gay men.

Same-sex sexual activity was generally a taboo subject in society, and there were no known LGBTI organizations. Observers attributed the absence of reports of discrimination against the LGBTI community to the social taboo against discussing same-sex relationships.

On September 29, Ozodlik reported that several months previously a group of Fergana men stripped, beat, and abused a person who they claimed was gay. The beating and humiliation was video-taped and distributed via social media. According to the radio's sources, five men were detained and the investigation was in process as of the end of year.

### **HIV and AIDS Social Stigma**

The law protects those infected with HIV from discrimination and provides for free health care. As of 2015, UNAIDS estimated 33,000 individuals were living with HIV. Persons known to be HIV positive reported social isolation and discrimination by 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. Some LGBTI community activists reported that hospital wards reviewed the personal history of HIV-infected patients and categorized them as being drug addicts, homosexuals, or engaged in prostitution. Those whose files were marked as "homosexual" were referred to the police for investigation, because homosexuality between men is a criminal act.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law generally provides 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. The law on trade unions states that workers cannot be fired due to trade union membership, but it does not clearly state whether workers fired for union activity must be reinstated. Volunteers in public works and workers employed by individuals without documented contracts do not have legal protection.

The government did not effectively enforce applicable laws, and there were no independent unions. Article 200 of the Administrative Responsibility Code and

article 217 of the criminal code provide penalties for violating freedom of association laws equal to five to 10 times the minimum salary. In October 2016 the country ratified ILO Convention 87 (Freedom of Association and the Right to Organize), which entered into force during the year, and amended the law on “professional unions, rights, and guarantees of their activities,” which improved the role of the trade unions in the protection of labor and employees’ social rights. Workers generally did not exercise their right to form and join unions due to fear that attempts to create independent alternative unions would be quickly repressed. Unions remained centralized and wholly dependent on the government.

The state-run Federation of Trade Unions of Uzbekistan incorporated more than 35,800 primary organizations and 14 regional trade unions; according to official reports, 60 percent of employees in the country participated in the federation in 2016. Leaders of the federation were appointed by the President’s Office rather than elected by the union members or board. All regional and industrial trade unions at the local level were state managed.

Unions and their leaders were not free to conduct activities without interference from their 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 Employment and Labor Relations and the Ministry of Finance, in consultation with the Federation of Trade Unions, set wages for government employees. In the emerging 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, except as legal punishment for such offenses as robbery, fraud, or tax evasion, or as specified by law. Certain sections of the criminal code allow for compulsory labor as a punishment for offenses including defamation; incitement of national, racial, ethnic, or religious enmity. In multiple instances, the government pursued complaints of forced labor, even those from independent observers, which resulted in administrative penalties, and fines of at least four local officials accused of forcing people to work. During the year the government made concerted efforts to inform the public about the prohibition against forced labor, including in the annual cotton harvest. In June the ILO published results of a survey showing an increase from 2014 to 2015 in the proportion of cotton pickers who worked

voluntarily (from 60 to 66 percent) and an increase in cotton pickers who did so involuntarily (from 11 to 14 percent). The proportion of workers who were not forced to participate in the cotton harvest, but reported doing so in response to perceived social pressure, decreased over this period.

In September the prime minister issued an order prohibiting the use of students, teachers and medical workers in the cotton harvest. Observers reported the order was inconsistently implemented. Cases of government-compelled forced labor of adults remained. The central government continued to demand farmers and local officials fulfill state-assigned cotton production quotas, and pressure to meet these quotas was apparent in reports of the mobilization of military personnel, prison labor, bazaar merchants, and factory workers, as well as urban professionals pressured to pay for a replacement picker. At the same time, the government increased by 200 percent the cotton prices, also offering additional monetary and material incentives for cotton picking. The government also freely and publicly disclosed cases of labor violations in cotton fields, including child labor, and embarked on a campaign of engagement and dialogue with human rights activists monitoring the cotton harvest. Some independent observers were briefly detained during the cotton harvest, although they experienced no physical retributions and the arrests were brief. The government allowed international cotton observers unimpeded access to the cotton fields and allowed the ILO to conduct private interviews with cotton pickers. Working conditions varied greatly by region and farm. The scope of adult mobilizations differed significantly from region to region.

The government prohibition against the use of educational and medical employees in the cotton harvest allowed the majority of schools, colleges, and lyceums to remain open.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum working age at 16 and provides that work must not interfere with the studies of those younger than 18. The law does not allow children under age 15 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. The law allows for 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. Children between ages 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 stipulate a list of hazardous activities forbidden for children younger than age 18 and prohibit employers from using children to work under specified hazardous conditions, including underground, underwater, at dangerous heights, and in the manual harvesting of cotton, including cotton harvesting with dangerous equipment.

Children were employed in agriculture, in family businesses such as bakeries and convenience stores, and as street vendors.

The law does not explicitly provide authority for inspectors from the Ministry of Employment and Labor Relations to enforce the child labor laws, which is a shared responsibility of the Ministry Employment and Labor Relations and the prosecutor general, the Ministry of Interior, and the Ministry of Interior's general criminal investigators. The Office of the Prime Minister took the lead role in coordinating enforcement of labor decrees to keep children out of cotton fields. The government created a parliamentary commission on ensuring labor rights to citizens. A variety of national and local organizations representing women, youth, labor, farmers, and employers' interests participated in national child labor monitoring under the guidance of the ILO and applying its methodology. It was unclear whether the Ministry of Interior conducted inspections in the agricultural sector. The law allows for a fine of one to three minimal monthly salaries for those using child labor that could "harm the child's health, safety or morals." Authorities imposed fines of five minimal monthly salaries for school principals, hospital directors and restaurant owners found guilty of child and forced labor. There were four cases of prosecutions for child labor during the year.

During the year the government conducted its own monitoring for child labor in the cotton sector using ILO methodology. The ILO monitoring teams concluded there was no systemic use of child labor in the harvest.

There were isolated reports of students as young as age 10 picking cotton; however, unlike in previous years, their presence was the result of localized or individual occurrence rather than government-compelled, nationwide mobilization. The government prohibition against the use of students was immediately and widely implemented, although some students continued working voluntarily without apparent concern to earn extra cash after the order came into effect. Authorities reported low attendance rates in 23 high schools.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

Laws and regulations prohibit discrimination with respect to employment and occupation based on race, gender, religion, and language. The labor code states that differences in the treatment of individuals deserving of the state's protection or requiring special accommodation, including women, children, and persons with disabilities, are not to be considered discriminatory. The law does not prohibit discrimination based on sexual orientation or gender identity, age, political opinion, national origin or citizenship, or social origin. HIV-positive individuals are legally prohibited from being employed in certain occupations, including those in the medical field that require direct contact with patients or with blood or blood products, as well as in cosmetology or haircutting. The government generally did not effectively enforce these laws and regulations. There were no recent reliable data on employment discrimination.

Foreign migrant workers enjoy the same legal protections as Uzbek workers as long as their employers follow all legal procedures for their employment. The law provides for a number of punishments for Uzbek employers who do not follow all legal procedures. Enforcement of employment law was lax, primarily due to insufficient staffing of relevant entities and endemic corruption.

#### **e. Acceptable Conditions of Work**

The national minimum monthly wage, used primarily to calculate salaries in the public sector as well as various taxes and duties, was 149,775 soms (\$19) per month between October 2016 and 2017.

According to official sources, approximately 360,000 full-time employees (out of 12 million) received the minimum salary in 2016. In 2013 the president signed an amendment to the labor code that raised the minimum monthly salary for full-time employees in the public sector to 230,000 soms (\$29). There were no official statistics concerning the average monthly wage, but most experts estimated a figure of 780,000 soms (\$98) before taxes. This level did not include wages in the agricultural sector. Reliable data or estimates on actual average household income were not available.

Officials defined the poverty level as consumption of fewer than 2,100 calories per day, but the government did not publish any income indicators of poverty. According to the government, 17 percent of the population lived below the poverty level based on a model that reviews average calorie consumption per person per day. International estimates using a daily dollar average of \$2.50 per person--a level four times higher amount than the minimum daily wage of \$0.60--put the figure as high as 77 percent.

The law establishes a standard workweek of 40 hours and requires a 24-hour rest period. The law provides for paid annual holidays. The law provides overtime compensation as specified in employment contracts or as agreed with an employee's trade union. Such compensation can be provided 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 Employment and Labor Relations establishes and enforces occupational health and safety standards in consultation with unions. According to the law, health and safety standards should be applied in all sectors. Employers are responsible for ensuring compliance of standards, rules, and regulations on labor protection, as well as obligations under collective agreements. The law provides that workers may legally remove themselves from hazardous work if an employer fails to provide adequate safety measures for the job, and the employer must pay the employee during the time of the work stoppage or provide severance pay if the employee chooses to terminate employment. Workers generally did not exercise this right because it was not effectively enforced and employees feared retribution by employers. The 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. In addition, the company's employees have the right to demand and the administration is obliged to provide them with information on the state of working conditions and safety at work, available personal protection means, benefits and compensations.

Approximately five to eight labor inspectors staffed offices in each of the country's 14 administrative units, and there 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. Labor inspectors conducted routine inspections of small and medium-sized businesses once every four years and inspected larger enterprises once every three years. Additionally, the ministry or a local governor's office could initiate a selective inspection of a business, and special inspections were conducted in response to accidents or complaints. A presidential decree prohibits unannounced inspections of private businesses, including labor inspections.

Reports suggested that enforcement was not effective. Penalties reportedly were often selective, and in many cases, employers reportedly were able to mitigate penalties through informal agreements with inspectors. The law remained unenforced in the informal economy, where employment was usually undocumented. During the year the Ministry of Employment and Labor Relations, in cooperation with the tax authorities, inspected all private health clinics to target the widespread practice of employing specialists without employment contracts.

The government agreed on an extension of the ILO's Decent Work Country Program until 2020, which would lead to further efforts towards improving working conditions. The most common labor violations were working without contracts, receiving lower than publicly announced payments, delayed payments, and substandard sanitary or hygienic working conditions. During the year, acting on citizen complaints, authorities took corrective action by mandating that 74 farms must improve the working conditions by providing proper contracts, transportation, better sanitary facilities, meals and drinking water, and timely salary payments.

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.

No occupational health and safety violations were reported under the law. Violations of wage, overtime, and occupational health and safety standards were most common in the private sector. Although regulations provide for safeguards, workers in hazardous jobs often lacked protective clothing and equipment. More specific information on sectors in which violations were common and on specific groups of workers who faced hazardous or exploitative working conditions was not available.