

# UZBEKISTAN 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Uzbekistan is a constitutional republic with a political system dominated by President Shavkat Mirziyoyev and his supporters. In 2016 Mirziyoyev, the former prime minister, won the presidential elections with 88 percent of the vote. The Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (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.” Parliamentary elections took place on December 22. According to the OSCE observer mission’s preliminary conclusions, the elections took place under improved legislation and with greater tolerance of independent voices but did not yet demonstrate genuine competition and full respect of election-day procedures. Parliamentary elections in 2014 did not meet international commitments or standards, according to that election’s OSCE observer mission.

The government authorizes four different entities to investigate criminal activity and provide security. The Ministry of Interior controls the police, who are responsible for law enforcement, maintenance of order, and the investigation of general crimes. It also investigates and disciplines those officers accused of human rights violations. In March the National Guard took over many functions of the Ministry of Interior, including to ensure public order, security of diplomatic missions, security of radio and television broadcasting, and security of other state entities. The State Security Service, headed by a chairman who reports directly to the president, deals with national security and intelligence issues, including terrorism, corruption, organized crime, border control, and narcotics. Civilian authorities generally maintained effective control over the security forces, but security services permeated civilian structures. Civilian authorities opaquely interacted with security services’ personnel, making it difficult to define the scope and limits of civilian authority.

Significant human rights issues included: Reports of physical and psychological abuse of detainees by security forces; arbitrary arrest and incommunicado and prolonged detention; political prisoners; restrictions on freedom of speech, the press, and the internet, including censorship, criminal libel, and website blocking; restrictions on assembly and association, including restrictions on civil society,

with human rights activists, journalists, and others who criticized the government subject to harassment, prosecution and detention; restrictions on religious freedom; restrictions on freedom of movement; restrictions on political participation in which citizens were unable to choose their government in free, fair, and periodic elections; criminalization of sexual relations between men and discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and conduct; and human trafficking, including forced labor.

Impunity remained pervasive, but government prosecutions of officials on corruption charges significantly increased during the year.

## **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 no reports that the government or its agents committed arbitrary or unlawful killings.

### **b. Disappearance**

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

In its 2018 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 latest request, issued in January, to visit the country.

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

The country has laws governing the conduct of law enforcement officers and addresses torture, including language that states, "Employees of the internal affairs ministry may not employ torture, violence, or other cruel or degrading treatments. The employee of the internal affairs ministry is obliged to prevent intentional acts causing pain, physical or moral suffering to the citizen." The law bans the use of evidence obtained by torture in court proceedings. In addition, an antitorture law includes liability for the use of torture and other inhuman or degrading treatment.

Prior to the adoption of the law, there were formal obstacles to the prosecution of persons involved in torture. These restrictions have been eliminated.

In late September, local officials in Khorezm detained blogger Nafosat “Shabnam” Ollashkurova after she posted on Facebook content criticizing local government corruption, including postings about illegal demolitions. Prior to her arrest, Ollashkurova also documented a protest by journalist and poet Mahmud Rajabov against a criminal case that authorities had brought against him. Ollashkurova served 10 days of administrative detention, following which the Urgench district civil court ordered authorities to place her in the Khorezm regional psychiatric center for six months of forced evaluation and treatment. Early in her detention, officials did not allow her to contact her family. Following an October 21 visit by the ombudsman for human rights, the regional psychiatric center’s officials permitted her to speak with her mother as well as human rights activists. Ollashkurova was released from the regional psychiatric center on December 28.

While the constitution and law prohibit abuse, civil society reported law enforcement and security officers routinely beat and otherwise mistreated those held on criminal charges to obtain confessions, incriminating information, or for corrupt financial gain. Activists reported physical abuse of political and religious detainees somewhat decreased in the previous year, with methods shifted more to psychological manipulation, including humiliation, threats to activists’ family members, and threats to withhold medical treatment. There was at least one report of sexual assault against a female detainee.

### **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.

The government did take steps to prosecute officials suspected of human rights abuses. In one illustrative case, Radio Free Europe/Radio Liberty’s Uzbek Service, citing a law enforcement source, reported in June that five senior security officials in Bukhara region were convicted of torture and abuse of office and sentenced to lengthy prison terms. A former chief of the State Security Service Directorate in Bukhara, Rustam Azimov, was reportedly also convicted at a closed trial and sentenced to 14 years in prison.

Physical Conditions: Reports of overcrowding, severe abuse, and shortages of medicine were common. Officials generally provided inmates access to poor quality potable water and food. Visiting family members often brought provisions to detained family members. There were sporadic reports of prisoners of conscience held in cells without proper ventilation and subjected to temperatures below freezing in winter and more than 120 degrees Fahrenheit in summer; detention facilities commonly lacked heat or air conditioning. Upon release, political prisoners have in recent years reported to Human Rights Watch and others of being beaten and otherwise tortured, including being held in stress positions, while in prison.

Prison administration officials reported an active World Health Organization tuberculosis program in the prisons and an HIV/AIDS treatment and prevention program. International experts noted, however, that the rate of infectious diseases in prisons was not public knowledge and believed that the rates of tuberculosis and HIV/AIDS were very likely higher in prisons than in the general population due to subpar sanitary conditions, population density, and lack of access to healthcare professionals. Poor compliance with treatment plans and other implementation issues undermined government efforts to lower infection rates.

Administration: On July 1, the Ministry of Internal Affairs issued new administrative rules governing the rights of prisoners in all penal institutions. Prisoners are entitled to outdoor exercise during nonworking hours, psychological treatment, and safe working conditions. In addition, prisoners are eligible for salaries and other work benefits. In the event of serious illness, prisoners can receive additional phone privileges and family visits upon a physician's advice. The rules also state that prisoners should undergo a medical examination upon request and at intervals of not more than six months. No information on implementation of these rules was publicly available.

There was no information available regarding whether recordkeeping on prisoners was adequate. Authorities frequently 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 may not sentence an individual to prison if he or she has paid a fine in full. The government usually respected these injunctions unless authorities considered a case to be politically sensitive.

The Human Rights Ombudsman's Office and the Prosecutor General's Office may investigate complaints from detainees and the public. 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. Some family members of detained or released prisoners said the Ombudsman either did not respond to their complaints or referred them to the original sentencing court for redress.

Prison officials typically allowed family members to visit prisoners for up to four hours two to four times per year. 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. There was at least one case in which authorities did not allow family visits at all. Authorities relocated some religious and political prisoners to housing in prison colonies rather than formal prisons. The colonies often allowed prisoners to come and go regularly and to have more family contact. Some prisoners were allowed to work and earn money inside or outside the colony.

The government stated that prisoners have the right to practice any religion, but some prisoners complained to family members that prison authorities did not permit them to observe religious rituals that conflicted with the prison's schedule. Such rituals included traditional Islamic morning prayers. While some activists reported this situation has improved, others said the practice continued. Authorities forbid all 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 all religious 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 regarding 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.

Independent Monitoring: Some human rights activists reported that lawyers had no problems meeting with their clients, although others disputed this, saying access was both limited and monitored. The NGO Ezgulik reported it had no problems accessing any prisoner. Some independent observers had limited access to some parts of the penitentiary system, including pretrial detention facilities, women's prisons, and prison settlements. UNICEF regularly accessed the country's four juvenile offenders' colonies. The International Committee for the Red Cross (ICRC) has not visited detainees since 2013.

Improvements: On August 2, President Mirziyoyev signed a decree to close the Jaslyk prison. No prisoners remain in Jaslyk; officials have transferred inmates to prisons closest to their home districts, in direct contrast to past practice. During the UN Committee against Torture's review of Uzbekistan in November, the Uzbekistan delegation indicated that national-level officials transferred possession of the building and property previously used as the Jaslyk prison colony to local officials in Nukus. The delegation stated that Nukus officials would not use it as holding cells for pretrial detention and that local officials were still determining what to do with this property.

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

The constitution and the law prohibit arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government did not always observe these requirements and continued to engage in such practices.

#### **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 they should remain incarcerated or released before trial. Authorities often grant these hearings, but typically grant requests from prosecutors, thereby undermining the spirit of judicial oversight. The arresting authority is required to notify a relative of a detainee of the detention and to question the detainee within 24 hours of arrest. Civil society reported that authorities physically abused 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 may request a judge to extend detention an additional 48 hours, after

which the person must be charged or released. Judges typically grant such requests and the judge who issues such an extension is often the same one that presides over the trial, which creates incentives to cover up violations. 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 seven months 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 would appear at trial.

A decree requires that all defense attorneys pass a comprehensive relicensing examination. 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.

In some sensitive cases, authorities detained suspects incommunicado. In December 2018 officials detained Kadyr Yusupov, a former Uzbekistan diplomat, after a suicide attempt; in the hospital, Yusupov said he started spying for an unspecified Western country in 2015. His relatives disputed this, noting that he has suffered periodic, severe episodes of schizophrenia and took medication. Authorities denied his family access to him for more than 300 days. The family reported that detention facility officials denied Yusupov access to his medication

and that authorities visited their home and threatened them after they went public with the story of how authorities treated Yusupov.

Arbitrary Arrest: Authorities continued to arrest or detain persons arbitrarily, although religious groups reported that arbitrary detention of their members no longer occurs.

The government has phased out the use of preventative watch lists, which contained the names of those convicted for religious crimes or crimes against the regime. In July, Foreign Minister Abdulaziz Kamilov announced that since 2016, authorities removed more than 20,000 prisoners convicted on religious grounds from the watch list. It was unknown how many individuals remained on the watch list. Previously, authorities compelled named individuals on the watch list to submit to police for interrogation, denied issuance of passports and travel visas, and in some cases, prohibited the purchase and use of smartphones.

The law provides for a commission to review the prison profiles of convicts sentenced on charges of religious extremism. Based on the work of the commission, from 2017 to 2018 the president reduced or commuted the sentences of more than 3,000 religious prisoners. Another commission reviews the petitions of persons “who mistakenly became members of banned organizations.” While the commission has the power to exonerate citizens from all criminal liability, observers reported it has not exercised this power in the majority of cases the commission reviewed.

Pretrial Detention: Prosecutors generally exercised discretion regarding most aspects of criminal procedures, including pretrial detention. Authorities did not provide access to detainees to a court to challenge the length or validity of pretrial detention, despite the law granting detainees the right to do so. Even when authorities did not file charges, police and prosecutors frequently sought to evade restrictions on the length of time that persons could be held without charges by holding them as witnesses rather than as suspects. The Ministry of the Interior, which oversees the prison system, did not provide information regarding the number of persons held in pretrial detention centers or allow access to independent organizations.

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 were sometimes open to the public by request of the applicant. New evidence was rarely heard. Appeal courts generally reviewed



previous trial records and asked applicants to declare for the record their innocence or guilt. Appeals rarely resulted in the courts overturning their original decisions.

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

The constitution provides for a judiciary; however, the judiciary does not operate with complete independence and impartiality. The Prosecutor General's Office or other law enforcement bodies occasionally exerted inappropriate pressure on members of the judiciary to render desired verdicts. Regardless of the length of their term, judges can still be arbitrarily dismissed by the Supreme Judicial Council, making them vulnerable to political pressure.

Judges are appointed by the Supreme Judicial Council, subject to concurrence by the Senate. According to the law, "lifetime" appointments are possible under certain circumstances. The law provides, "A judge shall be appointed or elected in accordance with the established procedure for an initial five-year term, a regular 10-year term and a subsequent indefinite period of tenure." Regardless of the term of appointment, the Supreme Judicial Council may dismiss judges.

Judges and prosecutors continued to engage in corruption. Authorities did take some measures to prosecute officials engaged in corruption. In July the head of the Chinaz Criminal Court (Tashkent region) was arrested on charges that he accepted a bribe of \$3,000, and criminal proceedings were underway.

### **Trial Procedures**

The law provides for the right to a fair and public trial, but in practice this was not always the case. The criminal code specifies a presumption of innocence. Judicial authorities officially opened most trials to the public and 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. Judges may close trials in exceptional cases, such as those involving state secrets or to protect victims and witnesses. Security services sometimes harassed family members when international observers attended trials, threatening them not to allow international observers to attend subsequent proceedings. Authorities generally announced trials only one or two days before they begin, and they frequently postponed hearings.

A panel of one professional judge and two lay assessors, selected by committees of worker collectives or neighborhood committees, generally presided over trials.

Lay assessors rarely speak. 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 often declined defense motions to summon additional witnesses or to enter evidence supporting the defendant into the record.

On November 12, an administrative court in Chirchik ruled against Elena Urlaeva, the leader of the Human Rights Alliance of Uzbekistan, and her colleague, Solmaz Akhmedova, on charges of hooliganism. The case centered on their attendance (as accredited representatives of the International Labor Organization) at a government meeting on implementation of cotton harvesting rules. When Urlaeva began to take photos, the meeting was halted and the activists removed. Neither Urlaeva nor her colleague were notified of the date of the court hearing until after it took place, and the judge ruled against them in absentia, ordering them to pay a fine of 22,300 s'om (\$2.37).

While the overwhelming majority of criminal cases brought to trial resulted in guilty verdicts, the number of acquittals has risen. From 2011 to 2016, for example, judicial panels acquitted defendants in just seven criminal cases, according to the Supreme Court. In 2017 judicial panels acquitted the defendants in 263 out of 59,135 criminal court cases.

During a press conference following his September visit to the country, the UN special rapporteur on independence of judges and lawyers, Diego Garcia-Sayan, highlighted the creation of the Supreme Judicial Council, the increase in acquittals, and the establishment of a process to improve the public's access to court rulings, as key steps toward promoting judiciary independence in the country. While acknowledging some progress, he listed areas that needed further improvement, including the need to institutionalize practices that protect the separation of powers among the three branches of government; end corruption and discipline judges; and increase the number and independence of lawyers, particularly outside of Tashkent. Although Special Rapporteur Garcia-Sayan met with a variety of stakeholders from the government and civil society during his visit, authorities did not grant his request to visit with a high-profile political prisoner. Contacts report that individuals who met with him experienced intimidation from government officials either prior to or following their meetings.

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 recrimination.

On September 12, the Ministry of Justice registered the nongovernmental, nonprofit organization Madad, whose purpose is to help increase legal awareness and provide free legal advice and practical legal assistance, including through the operation of an online portal *Advice.uz* (*e-maslahat.uz*).

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 sentences. 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 prevail. If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor may appeal the sentence to a higher court. Judges often based their verdicts solely on confessions and witness testimony that authorities in some cases allegedly extracted through abuse, threats to family members, or other means of coercion. Authorities commonly used these practices in religious extremism cases in particular. Both defense lawyers and prosecutors may call on judges to reject confessions and investigate claims of torture.

The government continued to broadcast live coverage of court hearings when both parties grant consent, limiting such broadcasts to minor cases typically involving administrative offenses or economic cases. Despite the Supreme Court's recent efforts to publish rulings on its website, lower-level courts generally did not publish their rulings, making it difficult for defense lawyers to build arguments based on precedent.

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**

The number of political prisoners and detainees is unknown. The government did not provide official numbers. Some civil society organizations, such as Human Rights Watch, estimated the government was detaining approximately two dozen political prisoners. The Tashkent-based human rights organization Ezgulik and other domestic human rights groups in the country reported only three remaining political prisoners.

In years past, the government targeted peaceful political dissidents and convicted them of engaging in terrorist and extremist activities or for belonging to what the government called religious fundamentalist organizations. NGO representatives stated they could not independently verify the numbers of such individuals who remained in detention. There were no reports of such detentions during the year.

Authorities sometimes did not provide political prisoners and detainees the same protections as other detainees, including by holding some incommunicado for prolonged periods of time, limiting their access to lawyers of their choosing, and psychologically intimidating some of them. The government sometimes did not permit access to such persons by human rights or humanitarian organizations, such as the International Committee of the Red Cross. Charges against these individuals included organizing illegal public gatherings and distributing materials that threaten public safety, attempting to overthrow the constitutional order, extremism, and treason.

According to numerous former political prisoners, the government provides released prisoners with an allowance upon parole to help them reintegrate into society, although some have reported not receiving all promised benefits. Such allowances include travel expenses to one's place of residence, health benefits, and the issuance of an internal passport, which is the primary form of identification in the country. Upon release, convicts sign a document acknowledging they understand the terms of their parole. This typically includes a prohibition on travel abroad for up to one year. Several former prisoners reported that authorities levied a fine against them as a condition of their parole. Failure to abide by the terms of payment may result in the termination of parole. One former prisoner, for example, was reportedly required to pay 20 percent of his monthly salary to the government for 18 months following his release.

High-level government officials periodically visited different regions of the country to conduct outreach to vulnerable social groups, such as former prisoners. In May, during a town hall-style meeting in the city of Fergana, a presidential advisor met with former political prisoners and families of current religious

prisoners to hear their complaints. Participants voiced concerns about the difficulty of placing children into kindergartens, obtaining assistance in securing housing, and receiving medical treatment, and prisoners expressed concerns over their parole terms.

Some former political prisoners pointed out that, on paper, they are still considered criminals because authorities did not fully exonerate them upon release. For example, Samander Kukanov, a former member of parliament released in 2016 after serving part of a 23-year sentence, filed an appeal with the Tashkent Regional Court in May to review his criminal conviction. The court formally denied his appeal in September, citing the Tashkent Region State Archive's destruction of the evidence in his case in 2017 "in accordance with established procedure" as the reason why it could not review his request for "full rehabilitation."

Three former political prisoners, including Azam Farmonov, whom authorities released in 2017 after serving 11 years of a 13-year sentence, attempted to register an NGO named Restoration of Justice three times during the year, without success. The NGO sought redress for the unlawful detention of political prisoners, including clearing their records through exoneration, expungement, or other means.

Amnesty: Authorities annually grant amnesty and release individuals imprisoned for religious extremism. President Mirziyoyev released or reduced the sentences of 776 prisoners detained on religious extremism or other grounds. On September 26, the Mirabod Regional Court acquitted Andrey Kubatin, a 35-year-old Uzbek scholar of Turkic languages and history, after a court sentenced him to 11 years' imprisonment in 2017 for allegedly spying for Turkey and committing treason against the state.

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

Citizens may file suit in civil courts for alleged human rights violations by officials, excluding investigators, prosecutors, and judges. Civil society reported in the past that bribes accepted by judges influenced their court decisions in these cases.

### **Property Restitution**

Government urban renewal campaigns to demolish older, Soviet-era apartment blocks and private homes in both Tashkent and other regions resulted in authorities

displacing tens of thousands of citizens from their homes and businesses, often without due process. Officials allegedly did not provide adequate compensation to many citizens for their property. Authorities moved thousands of individuals to unsanitary temporary shelters. The resulting public protests in several locations led to swift central government action in August to compensate financially many citizens. Authorities punished some local government officials responsible for the demolitions, including by firing these local officials from their jobs. Law enforcement authorities initiated or continued criminal investigations of some officials for their role in the demolitions.

#### **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.

The government adopted a unified statute addressing matters related to personal data protection and processing on July 2. Previously, numerous laws and resolutions regulated the government's protection of and processing procedures for individuals' personal data, which complicated compliance requirements. This law was the country's first attempt to unify personal data regulations in line with international standards.

Activists noted that police stopped raiding the homes of religious groups' members and unregistered congregations.

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, including the distribution of social welfare assistance to the elderly, single parents, or families with many children; intervention in cases of domestic violence; and adjudication of disputes between residents, but they also served as a way to feed information about local community members to the government and law enforcement entities. 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 for which conviction is punishable by up to five years in prison. The law specifically prohibits publication of articles that incite religious conflict and ethnic discord or that advocate subverting or overthrowing the constitutional order.

Press and Media, Including Online Media: While authorities relaxed some controls, independent media did not operate freely because the state exercises 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. For example, the government continued to deny *Radio Free Europe/Radio Liberty's* accreditation request. Nevertheless, the government accredited the *BBC Uzbek* service. Two reporters also received accreditations: One who writes for *The Economist* and other publications, and one who writes for *Eurasianet*.

The law holds bloggers legally accountable for the accuracy of what they post and prohibits posts potentially perceived as defaming an individual's "honor and dignity." The law also prohibits 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 the government's socioeconomic policies. Some government-controlled print media outlets published articles that openly criticized local municipal administrations.

A few purportedly independent websites consistently reported the government's viewpoint. During the year, however, press and news organizations broadcast and published a wider variety of views and news, to include criticisms of policies enacted under former president Karimov. The government launched *Ozbekiston*, a 24-hour news channel that broadcasts current affairs and news in Uzbek, Russian, and English, in 2017. The channel interviewed visiting high-level foreign 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. According to reports by *BBC Uzbek* and *Radio Ozodlik*, local authorities in Shahri Khan arrested blogger Nodirbek Khojimatov in September after he published a piece on Facebook calling on President Mirziyoyev to investigate two local officials for corruption. A district court convicted Khojimatov for violating the administrative code's Article 41, which addresses offenses against a person's dignity. Khojimatov's father reported that the court did not allow him or his son to testify at trial, where Khojimatov was not represented by a lawyer. The court sentenced Khojimatov to 10 days in prison, even though the stated penalties for violating this provision of the code includes only a fine. Prior to his arrest, Khojimatov announced that the officials he alleged engaged in corruption had threatened him and a local prosecutor had pressured him no longer to publish blog posts criticizing government officials.

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* published critical stories on issues, such as demolitions, ecological problems, electricity outages, currency, trade, and the black market. In addition, *Adobiyat Gazetesi*, a literary journal, published stories by authors who are still on a "black list" that limits their ability to publish elsewhere.



During the year the government unblocked the website of privately owned *Kun.uz*, blocked in 2018. The outlet published articles critical of the government, including about regional and district officials' involvement in illegal demolitions.

There was often little distinction between the editorial content of government and privately owned newspapers. Journalists engaged in limited 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.

Libel/Slander Laws: The criminal and administrative codes impose significant fines for libel and defamation. The government has used charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the president or the government. Some bloggers and activists nonetheless openly criticized the government on social media without reprisal.

### **Internet Freedom**

The government generally allowed access to the internet, including social media sites. Internet service providers, allegedly at the government's request, occasionally blocked access to websites or certain pages of websites that the government considered objectionable, such as *Ozodlik.org*. The government blocked or slowed access to Facebook in January but restored access in February. Following a meeting between President Mirziyoyev and Harlem Desir, the OSCE's representative on Freedom of the Media, authorities unblocked websites of foreign media and rights groups. This included websites operated by the BBC, Voice of America, Deutsche Welle, the Fergana news agency, Amnesty International, Human Rights Watch, and Reporters Sans Frontieres.

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.

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 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.

The government implemented procedures for restricting access to websites that include “banned information.” Based on these regulations, a website or blog could be blocked for calling for the violent overthrow of the constitutional order and territorial integrity of the country; spreading ideas of war, violence and terrorism, as well as religious extremism, separatism and fundamentalism; disclosing information that is a state secret or protected by law; or disseminating information that could lead to national, ethnic or religious enmity or involves pornography, or promoting narcotic usage. According to the Ministry of Justice), the government has the authority to block websites or blogs without a court order.

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

The government continued to limit academic freedom and cultural events. In September the National Library again canceled an event commemorating a famous national poet who died in 2009, Rauf Parfi. Organizers tried to move the event to the Oybek museum, but museum officials also denied the organizers’ request. Authorities occasionally required department-head approval for university lectures, and university professors generally practiced self-censorship.

Recent presidential directives mandate that higher education institutions seek out opportunities to cooperate with foreign institutions, and such cooperation was one of the government’s highest priorities in the education sector.

### **b. Freedoms of Peaceful Assembly and Association**

The government sometimes restricted freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

The constitution and law provide for freedom of assembly. While the government restricted this right, it sometimes allowed individuals to exercise this freedom without reprisal. Media reported that thousands of protestors in different cities across the country demonstrated in July against the illegal demolition of private

homes and businesses (see section 1.e, Property Restitution). The demonstrations prompted the government to meet some of the protestors' demands. In July local police in Nukus, however, reportedly detained and beat a small group of protestors.

Authorities have the right to suspend or prohibit rallies, meetings, and demonstrations. Although the law requires demonstrators to obtain permits, most demonstrators proceeded without filing permit applications. In some incidents, authorities subjected citizens to large fines, threats, arbitrary detention, or 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. Officials broadly applied this regulation, including to private corporate functions.

### **Freedom of Association**

While the law provides for freedom of association, the government continued to restrict this right. Authorities sought to control NGO activity, internationally funded NGOs, and unregulated Islamic and minority religious groups. The operating environment for independent civil society, in particular human rights defenders, remained restrictive, although several activists reported improved cooperation with government officials. Several independent NGOs continued to face barriers to registering locally due to earlier court orders against them or other objections by officials.

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 where materials are to be distributed; and to notify the ministry in writing of the content and scope of the events in question.

The government has a legal framework for public oversight of the activities of government bodies and government officials. In accordance with the law, citizens, citizens' self-government bodies, noncommercial organizations, and mass media have the right to exercise oversight regarding activities of government bodies and officials.

There are legal restrictions on the types of groups that may be formed. The law requires that organizations with an operating budget and funds register 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.

In 2018 the government issued a number of regulations that affected NGO activity. NGOs are no longer required to obtain approval from the Ministry of Justice in order to conduct events, but they still need to notify the ministry of plans to conduct public programs. The minimum period for informing the ministry of planned activities is 10 days before the start of an event without the participation of foreign citizens, and 20 days before the start of event with the participation of foreign citizens. The ministry only provides NGOs with written notice in cases of refusal to conduct the event. The law also requires that NGOs file annual reports to the government. In 2018 the Ministry of Justice adopted the Regulation on Monitoring and Studying Activities of Nongovernmental, Noncommercial Organizations, which establishes a separate procedure on monitoring and studying NGOs’ activities.

While the law grants the Ministry of Justice authority to inspect and audit NGOs, civil society organizations did not report being inspected or audited. 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.

Registered NGOs are allowed to receive grants from domestic and foreign donors. Receiving organizations must notify the Ministry of Justice of their grants and present a plan of activities to the ministry that details how the NGO would allocate the funds. If the ministry approves, no other government approvals are required. The ministry requires yearly financial reports from NGOs.

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 <https://www.state.gov/religiousfreedomreport>.

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

The constitution and laws provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: Authorities required citizens to have a domicile registration stamp in their internal passport before traveling domestically or leaving the country. The government at times delayed domestic and foreign travel and emigration during the visa application process. Individuals needed permission from local authorities to move to Tashkent City or the Tashkent Region from other parts of the country, but permission is no longer required to work in Tashkent. The law stipulates that Tashkent City or Tashkent Region registration are required for individuals to be eligible to receive city services, work legally, send their children to school, or receive routine medical care.

The government requires hotels to register foreign visitors with the government on a daily basis. The government requires foreigners staying in private homes to register their location within three days of arrival. Authorities recently simplified these registration procedures, which allow foreigners to register through an online portal.

Foreign Travel: The government officially abolished the Soviet-era exit visa, which citizens previously needed for most foreign travel. Citizens must obtain a separate passport issued by the Ministry of Internal Affairs for the purpose of foreign travel. This passport has a 10-year validity for adults and a five-year validity for minors, as opposed to a two-year exit visa validity for all ages with previously issued passports. The government generally granted passports to travel or emigrate outside the Commonwealth of Independent States. Authorities sometimes interfered in foreign travel, such as that of former political prisoners. Former political prisoner Bobomurod Abdullayev reported that it took almost two

months for him to receive his travel passport, though the law requires issuance within 10 working days.

Girls and women living in the capital are no longer required to be interviewed by the migration and citizenship departments to obtain permission to travel abroad. In addition, girls and women no longer need permission from their spouse or a warrant from an authorized person, certificates from the mahalla, or to take any tests in order to qualify for foreign travel.

#### **e. Internally Displaced Persons**

In May the government repatriated 156 Uzbek nationals, primarily women and children, from Syria, where the Syrian Democratic Forces held them in custody. A Ministry of Foreign Affairs press statement provided details about these individuals' circumstances, stating these citizens had been misled into traveling to "a region of armed conflict in the Middle East." The government promised that the repatriated nationals would receive comprehensive rehabilitation, reintegration, medical, and psychological support, as well as the opportunity to join educational and other social programs. The government also pledged to provide accommodation and job opportunities. In addition, the statement noted that a number of foreign countries and international organizations, including the ICRC and UNICEF, had provided "major support." UNICEF reported it had access to all the women and children returnees, and that the government did not institutionalize or prosecute any of them.

#### **f. 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 law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

As of 2018, there were 14 individuals (10 cases) remaining under the Office of the UN High Commissioner for Refugees' (UNHCR) mandate. UNHCR undertakes the following activities in coordination with the UN Development Program (UNDP) office in Tashkent, through its staff under UNDP contract, and under the overall supervision of the UN resident coordinator: Issuing mandate refugee

certificates to existing refugees, monitoring their rights situations and providing counseling and making interventions for them when necessary, and providing financial assistance to some of the refugees, based on their specific vulnerability.

In addition, UNHCR or UNDP staff can provide counselling to asylum seekers when they arrive.

#### **g. 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.

*Kun.uz* published an article on September 28 citing statistics that, of a population of 33 million, there are 95,858 stateless persons in the country (along with 14,365 foreign nationals). It also claimed that since 2017, the government granted 8,249 stateless persons citizenship. Information obtained separately from the Ministry of Internal Affairs indicated that 2,072 persons acquired citizenship during the year. From 1991 to 2017, only 482 did so.

### **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 did not conduct free and fair elections, 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 in 2016. The interim president and prime minister, Shavkat Mirziyoyev, won the election with 88 percent of the vote. Four candidates, including Mirziyoyev, campaigned for president in the 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. Voters lacked a genuine choice of political

alternatives. Only registered political parties could nominate candidates. The government declined to register new political parties, preventing candidates not affiliated with an existing registered political party from running. The candidates did not participate in debates among themselves.

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 noted significant irregularities on election day, including indications of ballot box stuffing and widespread proxy voting.

The most recent parliamentary elections took place on December 22. According to the OSCE's observer mission's preliminary conclusions, the elections took place under improved legislation and with greater tolerance of independent voices but did not yet demonstrate genuine competition and full respect of election-day procedures. The OSCE considered the previous parliamentary elections, held in 2014, not in accordance with international standards. During their observations, OSCE observers in 2014 uncovered registration restrictions of potential voters, restrictions on a candidate's ability to be listed on a ballot, lack of candidate access to media, ballot box stuffing, lack of ballot secrecy, and intimidation.

President Mirziyoyev signed an updated election code law on June 25, which combines all election-related legislation into a single document to regulate pre-election work and administration of the elections, including to local councils. In addition to combining election-related laws, the law enacts a single electronic list of voters to facilitate the principle of "one voter-one vote." It also lifted voting rights restrictions on inmates incarcerated for misdemeanors or less serious crimes.

**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 it judges to be opposed to government policy. There are five registered political parties. The government allowed the Ecological Party, which had previously been an environmental movement that was founded in 2008, to register as a new political party. 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 exercised control over established parties by controlling their financing and media exposure.



The law prohibits judges, public prosecutors, State Security Service 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 its 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 has 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 minority communities in the political process, and they did participate. National minorities have full political rights under the constitution, and political parties made campaign materials available in minority languages. Central Election Commission regulations ensure that persons with disabilities can independently participate in the election. In addition, the Central Elections Commission can print some ballots in braille.

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

The law provides for criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: President Mirziyoyev and the courts took steps to hold officials accountable for their corrupt practices. The Supreme Court sentenced the former prosecutor general, Rashidjon Qodirov, on June 26 to 10 years in prison for bribe-taking, extortion, financial fraud, tax evasion, obstruction of justice, and money laundering. President Mirziyoyev dismissed Qodirov's successor, Otabek Murodov, on June 21. Authorities subsequently arrested Murodov and began investigating him for bribery.

Financial Disclosure: Government officials are required by law to disclose income from outside employment, but such disclosures were not publicly available. While many officials received income from outside employment, there were no reports of an official's disclosure being questioned or sanctions being employed for not complying with the law.

## **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, but at times the government harassed and intimidated human rights and civil society activists. Governmental decrees and administrative orders on civil society sought to encourage its growth and offered procedural rules and some new limitations for the actions of Ministry of Justice inspectors (see section 2.b.).

Two domestic human rights NGOs, Ezgulik and the Independent Human Rights Organization of Uzbekistan are registered with the government. Ezgulik representatives reported substantially improved cooperation with government officials over the year. The government continued to deny the registration requests submitted by all other domestic groups.

International NGOs, including those that focus on human rights, continued to face obstacles in legally registering. The government does not allow unregistered international organizations to open or use local bank accounts, limits the periods of validity for international NGO workers' visas for them to legally live and work in the country, and has not created a path to overcome previous Supreme Court rulings banning certain organizations from the country, thereby allowing them to register again.

In June a representative of Human Rights Watch was verbally harassed and physically intimidated in the lobby of his hotel in Tashkent when a video blogger and four others surrounded him and blocked his attempts to leave. After berating the representative for 20 minutes regarding his NGO work, the group told him to "get the hell out of Uzbekistan."

Human rights activists and political opposition figures generally assumed that security agencies covertly monitored their telephone calls and activities. One group reported police surveillance of cotton harvest monitoring, including around-the-clock surveillance of an activist's telephone and apartment, although International Labor Organization (ILO)-affiliated cotton harvest monitors reported no harassment. Security service personnel, including a detective from an antiterrorism unit, visited one activist at home to discuss issues pertaining to family

members. Other activists reported finding listening devices that authorities planted to record their meetings with international human rights interlocutors.

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 sometimes permitted visits by UN representatives as well as those from UN specialized agencies, such as the ILO and other international organizations that monitor human rights. The government hosts the regional office of the United Nations Office on Drugs and Crime (UNODC) and has signed a “roadmap” with UNODC that includes, among other things, projects on criminal justice reform.

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 among citizens who contacted it and made recommendations to modify or uphold decisions of government agencies, but its recommendations were not binding. The Ombudsman’s Office is permitted to make unannounced inspections of prisons and has established a separate division to investigate government abuse of businesses.

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.

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

### **Women**

Rape and Domestic Violence: In September, President Mirziyoyev signed a domestic violence law that provides a legal definition of sexual, physical, economic, and psychological violence against women as well as defines the rights of victims of harassment and violence. It also set up an interagency framework of responsibilities, including governmental entities such as the Cabinet of Ministries, Ministries of Internal Affairs and Employment and Labor Relations, local government bodies, the mahalla (neighborhood) committee network, and NGOs

working in the area of protecting women from domestic violence. Information about the government's enforcement of the law was not available at year's end. Cultural norms discouraged women and their families from speaking openly regarding rape, and the press rarely reported it.

There are government-run shelters for victims of domestic abuse and telephone hotlines for victims seeking assistance. Victims of domestic violence may be sheltered in Centers for Rehabilitation and Adaptation.

Other Harmful Traditional Practices: Polygamy is unofficially practiced in some parts of the country. The law punishes conviction of polygamy with up to three years of imprisonment and fines but does not penalize the women in such cases. The law does not confer the same rights, including property, inheritance, or child custody rights, to women in unregistered polygamous marriages as it does to those in registered marriages, making women in unregistered polygamous marriages particularly vulnerable to abuse and deprivation of rights when the spouse dies or ends the relationship.

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. Government efforts to enforce the law and prevent sexual harassment were unknown.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: In September the president signed a law on gender equality, a first for the country. The law provides for equal opportunities in the area of healthcare, education, science, culture, labor, and social protection.

On May 1, the government lifted the ban on female workers in heavy industries and professions, such as mining, oil and gas enterprises, and construction, as part of a presidential decree on strengthening the guarantees of women's labor rights. The government provided little data that could be used to determine whether women experienced discrimination in access to employment or were paid less for 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: Legal protections against child abuse exist. Society generally considered child abuse to be an internal family matter. Little official information was available on the subject, including on the government's efforts to combat it.

Early and Forced Marriage: In April the government raised the minimum legal age for marriage of women from 17 to 18, making the age of marriage equal for both sexes. District authorities may lower the age by one year in exceptional cases. In some rural areas, girls 15 years of age or younger married men in religious ceremonies not officially recognized by the state.

Sexual Exploitation of Children: The law seeks to protect children from "all forms of exploitation." Conviction of 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 conviction for statutory rape is 15 to 20 years' imprisonment. Conviction for the production, exhibition, and distribution of child pornography (involving persons younger than 21) is punishable by a fine or by imprisonment for up to three years.

Institutionalized Children: According to UNICEF, more than 20,000 children with disabilities resided in institutions. Children who are placed in residential care for educational purposes are overrepresented in these institutions. The most recent reports from the State Statistics Agency, published in 2017, indicated that 84 percent of all children placed in residential care were children with disabilities, with children between the ages of seven and 17 representing the largest group.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## Anti-Semitism

There were no reports of anti-Semitic acts or patterns of discrimination against Jews. There were eight registered Jewish congregations. Observers estimated the Jewish population fewer than 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 <https://www.state.gov/trafficking-in-persons-report/>.

## Persons with Disabilities

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

The law allows for fines if buildings, including private shops and restaurants, are not accessible, although no information was available concerning the imposition of fines. 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 approximately 8,500 adults with disabilities (of more than 600,000) were employed and approximately 75 percent lived below the poverty line. The city of Tashkent set aside 2,500 housing units for persons with disabilities. The government mandates that social infrastructure sites, urban and residential areas, airports, railway stations, and other facilities must provide for access to persons with disabilities, although there were no specific government programs implemented and activists reported particular difficulties with access.

Students who were blind or with vision disabilities studied dated braille books published during Soviet times, but there were some computers adapted for persons with vision disabilities. The number of persons with disabilities has significantly increased in institutions of higher learning as the result of a government quota system. In 2017 only 50 persons with disabilities were accepted to higher education. This year the number was 1,659 as of late September.

### **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**

The law criminalizes consensual same-sex sexual activity between men, which is punishable by up to three years’ imprisonment if convicted of this crime. No information was available on enforcement of this law during the year. The law does not criminalize consensual same-sex sexual activity between women.

Society generally considered same-sex sexual activity as a taboo subject. There were no known LGBTI organizations. Deeply negative social attitudes related to sexual orientation and gender identity limited the freedom of expression of the LGBTI community and led to discrimination. The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services, such as health care.

Following the country’s Universal Periodic Review in 2018, the government rejected recommendations related to decriminalization of LGBTI status and called LGBTI issues “irrelevant to Uzbek society.”

On September 12, police found the body of Shokir Shavkatov in an apartment in Tashkent just days after he disclosed on Instagram that he was gay. According to media reports, police say he suffered “several” knife wounds on his “neck and arms,” noting that his throat had been cut “so deeply that he was nearly decapitated.” Police later charged two suspects with murder. Activists say his murder was an act of hatred toward sexual minorities. In the weeks before the attack, local activist Shohrukh Salimov, via a video appeal posted from Turkey, urged President Mirziyoyev to abandon parts of the criminal code that prohibit sexual relations between males. Other LGBTI activists reported harassment from individuals suspected to have links with the security services.

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

The law protects those infected with HIV from discrimination and provides for free health care. As of 2018, UNAIDS estimated 52,000 individuals were living with HIV, including up to 6,000 children under the age of 14. Coverage of HIV-infected adults with antiretroviral therapy (ART) was 46 percent, while coverage of children was 93 percent. 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. Hospital officials reportedly sometimes marked HIV-infected patients’ files as “homosexual” and referred them to police for investigation, because consensual same-sex sexual conduct between men is a criminal act.

## **Section 7. Worker Rights**

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

The law allows workers to form and join independent unions and bargain collectively. Individuals have not been able to exercise these rights because no independent labor unions operated in the country. The law neither provides for nor prohibits the right to strike but does prohibit antiunion discrimination. The law on trade unions states that workers may not 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.



There is no public information available regarding government enforcement of applicable laws, as there are no known cases of attempts to form independent unions. The law provides penalties for violating freedom of association laws equal to five to 10 times the minimum salary. The government amended the law on “professional unions, rights, and guarantees of their activities.” Despite legal protections, in practice, as stated above, workers have not successfully formed or joined independent unions. Workers continued to worry that attempts to create independent alternative unions would be repressed. Unions remained centralized and dependent on the government.

The state-run Federation of Trade Unions of Uzbekistan incorporated more than 35,000 primary organizations and 14 regional trade unions, according to official reports. Regional and industrial trade unions remained state managed.

Government-organized unions demonstrated minimal bargaining power. For example, government ministries, including the Ministry of Agriculture, in consultation with the Federation of Trade Unions, continued to set wages for government employees and production quotas in certain sectors. 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 and incitement of national, racial, ethnic, or religious enmity. Penalties are not sufficient to deter violations.

Inspectors from the Ministry of Employment and Labor Relations have authority to enforce laws on forced labor. The lead for issues related to forced labor or trafficking in persons is the special rapporteur of the National Commission on trafficking in persons and forced labor. The ILO increased the scope of its third-party monitoring on child and forced labor in the cotton harvest during the year.

The government continued its efforts to combat all forms of forced labor. During the year the government informed the public of the prohibition against forced labor, including in the annual cotton harvest.

A July 30 presidential decree instructed the government to begin a process of criminalizing forced labor violations, which heretofore had been punished only by administrative fine. In December the parliament adopted legislation criminalizing forced labor, however, forced labor violations are only criminalized in the second instance. The first violation is still punished by administrative fines. The decree additionally created a national commission for trafficking in persons and forced labor to oversee and coordinate government efforts. The national commission is divided into subcommittees for trafficking in persons, chaired by the minister of the interior, and for forced labor, chaired by the minister of employment and labor Relations. Both act as deputy chairs to the national commission itself.

The government appointed a special rapporteur for the national commission, Tanzila Narbaeva, who also serves as chair of the Senate. The government empowered the special rapporteur to report on the issue directly to the president and to set up regional or territorial commissions to oversee the implementation of the decree at the local level. This decree also called for the drafting of an amendment to the law on combatting trafficking in persons to include a mechanism for identifying trafficking victims and mandated an update to legislation on human trafficking and forced labor that criminalizes forced labor.

While the government maintained formal prohibitions on the use of forced labor in all economic sectors--and enforced these provisions--the laws as written were not sufficient to comply with international labor standards. Because cotton production quotas remained in place, there continued to be pressure on local officials to meet production targets. Such pressure encouraged the use of forced labor.

Administrative penalties against the use of forced labor were increased: The minimum fine for first offense is between 10- to 30-times the minimum monthly salary, and for repeated offenses the penalty is 30- to 100-times the minimum monthly salary. As stated above, the law adopted in December will impose criminal penalties for repeated instances of forced labor. In October the president approved the *Agriculture Development Strategy 2030*, which is designed to phase out quotas for agricultural products by 2023.

The government allowed the ILO access in real time to its feedback mechanism for reporting labor violations to see how it responded to complaints. The government additionally made efforts to meet with international organizations, NGOs, civil society organizations, and local activists to discuss the issue of forced labor publicly and to receive feedback including suggestions and criticism to enable it to

improve its approach to forced labor in the cotton harvest. The government acknowledged its problem with forced labor and sought assistance to eliminate it.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law prohibits the worst forms of child labor. 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 younger than 15 to work at all, but this provision was not always observed. Children aged 15, 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 who are 16 through 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 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 in services, such as street vending and scrap metal collection.

Inspectors from the Ministry of Employment and Labor Relations have authority to enforce laws on child labor. No information was available on the enforcement of these laws. Penalties were sufficient to deter violations. There was no systemic use of child labor, although individual instances of child labor violations continued to exist.

There was no evidence of any government-compelled child labor. The government prohibition against the use of students remains in force.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

### **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. There were insufficient publicly available data to determine government enforcement of these laws and regulations. There were no reliable data on employment discrimination.

The Uzbek labor code prohibits refusing employment based on an applicant's criminal record or the criminal record of a close relative.

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 of Uzbek employers who do not follow all legal procedures. The government did not strictly enforce employment law, primarily due to insufficient staffing of relevant entities and endemic corruption.

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

The law provides for a national minimum wage. The government did not provide an estimate for poverty income levels. According to international estimates, 11.4 percent of the population met the definition of being below the poverty line in 2018. No figures were available for 2019.

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 may 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 government effectively enforced these laws in

the formal economy. No data was available on enforcement of these laws in the informal economy.

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. The government effectively enforced these laws in the formal economy. No data was available on enforcement of these laws in the informal economy.

Employers are responsible for ensuring compliance with 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, a 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.

The number of labor inspectors increased throughout the year, and there was a rise in the number of public complaints received as well as penalties issued.

The Ministry of Labor maintains protocols requiring investigation into labor complaints within five business days. 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 2017 presidential decree prohibited unannounced inspections of private businesses, including labor inspections, in an effort to crack down on corrupt government practices, but the government reversed itself, and unannounced inspections are legal again.

Reports suggested that enforcement was uneven. The law remained unenforced in the informal economy, where employment was usually undocumented. Despite an increase in the number of labor inspectors, the Ministry of Employment and Labor Relations still lacks adequate staff to enforce compliance. Penalties were not sufficient to deter violations in the informal sector.

The government continued with the extension of the ILO's Decent Work Country Program until 2020. The most common labor violations were working without contracts, receiving lower than publicly announced payments, delayed payments, and substandard sanitary or hygienic working conditions.

Many employees had official part-time or low-income jobs and many continued to work informally. The government worked closely with the ILO's Decent Work Country Program on efforts to shift more of the economy from an informal to the formal economy and to provide labor and social protections to those working informally.

Workers did not report any occupational health and safety violations. Private sector employers most commonly committed violations of wage, overtime, and occupational health and safety standards. 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.