

UZBEKISTAN 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Uzbekistan is a constitutional republic with a political system led 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 (OSCE) in Europe Office for Democratic Institutions and Human Rights noted in its final election observation report that “the campaign lacked competitiveness and voters were not presented with a genuine choice of political alternatives,” with the European observers citing “serious irregularities inconsistent with national legislation and OSCE commitments, including proxy voting and indications of ballot box stuffing.” Parliamentary elections took place in December 2019. The OSCE observer mission’s preliminary conclusions noted the elections occurred under improved legislation and with greater tolerance of independent voices but did not demonstrate genuine competition and full respect for election-day procedures.

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 its officers if they are accused of human rights violations. The National Guard ensures public order and security of diplomatic missions, radio and television broadcasting, and other state entities. The State Security Service, whose chairperson reports directly to the president, deals with national security and intelligence issues, including terrorism, corruption, organized crime, border control, and narcotics. The Prosecutor General’s Office ensures rule of law, protects the rights and freedoms of citizens and legally protected interests of the state, conducts preliminary investigations of crimes, and prosecutes persons and entities accused of crimes. 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. There were reports that members of the security and law

UZBEKISTAN

enforcement agencies, particularly police and prison officials, committed abuses.

Significant human rights issues included: reports of physical and psychological abuse of detainees by security forces, including abuses that resulted in the death of detainees; arbitrary arrest and incommunicado and prolonged detention; political prisoners; politically motivated reprisal against an individual located outside of the country; restrictions on freedom of speech, the press, and the internet, including censorship and intentional slowing of social media digital platforms; 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; human trafficking, including forced labor; criminalization of sexual relations between men; and discrimination against lesbian, gay, bisexual, transgender, and intersex persons and consensual same-sex sexual conduct.

Impunity remained pervasive. Government prosecutions of officials on abuse charges increased somewhat 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 reports that the government or its agents committed arbitrary or unlawful killings. In January a man died as a result of beatings suffered while in detention at the Chirakchi District Ministry of the Interior branch office in the Kashkardarya Region, and on September 21, two officers who had been charged in the case received from four to nine years in prison. The first deputy chief of the police department resigned his position following the death.

In a separate case on May 30, press reported that Alijon Abdugarimov suffered critical wounds from the Andijan police while in detention on May 29 over charges of theft. After allegedly being beaten at a police station, Abdugarimov was taken

UZBEKISTAN

to a hospital, where he died on June 11. The Prosecutor General's Office launched an investigation into his case, leading to the June 13 arrest of six police officers. The Prosecutor's Office subsequently filed charges against them, and an additional 19 law enforcement officers faced disciplinary measures. On November 27, the Andijan regional criminal court announced that the six police officers were sentenced from one to 10 years in prison.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The country has laws governing the conduct of law enforcement officers and addressing 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 were eliminated.

During the year the UN Committee Against Torture concluded "that torture and ill-treatment continue to be routinely committed by, at the instigation of and with the consent of the State party's law enforcement, investigative and prison officials, principally for the purpose of extracting confessions or information to be used in criminal proceedings." In addition, a number of criminal trials during which defendants raised torture allegations, as well as several trials of persons charged with committing torture under Article 235 of the criminal code, including the 2018 trial of six National Security Service officers and others charged with torturing Ilhom and Rahim Ibodov, were closed to the public. Court decisions in those cases were not publicly available.

UZBEKISTAN

In September 2019 local officials in Khorezm detained blogger Nafosat “Shabnam” Ollashkurova after she criticized local government corruption on Facebook, including posts about illegal demolitions. 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 evaluation and treatment against her will. Ollashkurova was released from the regional psychiatric center on December 28, 2019. In mid-January she reported authorities continued to harass her, claiming officials were visiting her apartment building and reminding family members her classification as a mental patient meant she could be detained without a court order at any time. Fearing for her safety, Ollashkurova fled the country on January 18 and sought political asylum in another country.

According to Forbes and other media sources, Farrukh Khidirov, a prisoner in penal colony #11 in the Navoi Region, died on June 27 after officials beat and burned him with boiling water. According to human rights activists, a few days before his death, Khidirov called home and said penal colony officials were demanding money from him. The officials provided him with their bank account information so that he could transfer funds. When they did not receive the money, they tortured him, human rights activists reported. Khidirov spent eight days in the hospital before succumbing to his injuries. After the nongovernmental organization (NGO) Ezgulik published accounts of his case, the Main Directorate of Corrections of the Ministry of Internal Affairs published a refutation in local online media. The message stated, “The body was examined by the Prosecutor’s Office, no bodily injuries were detected, and an appropriate examination was appointed regarding the incident. The redness that appeared on the video is a cadaveric stain and has nothing to do with bodily harm.”

In June a resident of the Surkhandarya Region told local media that “National Guard officers strangled me for not wearing a mask.” The officers allegedly approached him near his home and reported they had photographed him without a mask, which national directives required be worn in public at all times due to the COVID-19 state of emergency. One officer allegedly tried to force the victim into a police van, strangling him in the process.

UZBEKISTAN

On July 12, the Analytical Center for Central Asia and other media reported that police officers and National Guard officers beat a judge at a checkpoint by the entrance to the Jarkurgan District of the Surkhandarya Region. Following a traffic jam, police eventually closed the entrance to the city due to COVID-19 restrictions. The judge, who had been waiting in traffic for an hour to enter the city, spoke with the officers, who then pulled him from his vehicle and beat him, causing a concussion. On July 15, the General Prosecutor's Office declared it had instituted criminal proceedings under Article 206 against employees who had worked at the checkpoint.

Media reported that on December 1 Zhanabay Ismayilov of Chimbay was severely beaten in the Karalkalpakstan Region--suffering cuts, bruises, and a broken arm--after two drunken Ministry of Interior officers assaulted him when he tried to get into their taxi, which he believed was free. Despite appeals by the victim's family, at year's end authorities had not opened a case against the two officers.

Prison and Detention Center Conditions

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

Physical Conditions: Reports of overcrowding, severe abuse, and shortages of medicine were common. On August 17, the government reported there were 22,867 prisoners in the penal system, held in 43 prisons and 11 pretrial detention facilities. Of the 43 prisons, 18 were "closed colonies" and 25 were open, "resettlement" colonies. According to the Ministry of Internal Affairs, the prison capacity was at 56 percent.

Officials generally provided inmates access to poor quality potable water and food. Visiting family members often brought provisions to detained family members. Upon release, political prisoners in the last two to three years reported to Human Rights Watch and others of being beaten and otherwise tortured, including being held in stress positions, while in prison.

According to the Ministry of Internal Affairs, prisoners are entitled to outdoor

UZBEKISTAN

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 telephone 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.

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. Poor compliance with treatment plans and other implementation issues undermined government efforts to lower infection rates.

Civil society activists raised concerns that prison officials were not adequately addressing COVID-19-related safety measures and specifically noted that older and medically compromised prisoners were at a higher infection risk due to lack of such measures.

On May 11, the Human Rights Ombudsman's Office, along with the government-run NGO Yuksalish, announced it would begin conducting public monitoring in penal institutions to assess the level of protection against COVID-19. According to human rights activists, during the COVID quarantine and restrictive movement measures instituted in March, family members of prisoners stopped receiving mail, were restricted from visiting the prisons, and were denied telephone calls.

On May 22, the Cabinet of Ministers published a decree instructing the Ministry of Internal Affairs to publish information regarding the number of persons detained in penitentiary institutions and pretrial detention institutions; the number of penitentiaries and pretrial detention institutions; information on types of manufactured goods and monetary value of such goods produced in the penitentiary facilities; information on the number of deaths among persons detained in penitentiary institutions and pretrial detention facilities; and information on the number of convicts kept in penitentiary institutions that are

UZBEKISTAN

subject to compulsory medical measures.

One human rights activist reported that prison administrators continued to charge current prisoners, often those convicted on religiously based charges, with new offenses, such as organizing criminal communities or participating in banned organizations. Such charges served as grounds for extending their prison terms. According to the law, prison officials are allowed to file new charges against prisoners resulting in new prison terms. Activists often referred to this as an “extension” of a term, but in reality it was a new sentence imposed on a current prisoner. For example, during the year 11 religious prisoners (each serving 20 year sentences) received an additional prison term of 10 years under this practice.

Administration: 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 did not respond to their complaints. On June 17, media reported that volunteers of the “Open Line Initiative” group held a protest to demand the resignation of the ombudsman. The protesters, family members of prisoners, contended that prisoners were routinely harassed, bullied, beaten, humiliated, and psychologically tortured by prison officials, including senior officials, and that the ombudsman routinely ignored family pleas for assistance.

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.

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. In March officials instituted COVID-19 restrictions on visitations. 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.

UZBEKISTAN

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 restriction 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 independent observers had limited access to some parts of the penitentiary system, including pretrial detention facilities, women's prisons, and prison settlements. Ezgulik, however, reported it had no problems accessing any prisoner. UNICEF regularly visited the country's four juvenile offenders' colonies. The International Committee for the Red Cross had not visited detainees since 2013.

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.

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

UZBEKISTAN

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.

Some defense lawyers noted difficulty in accessing clients, the lack of private meeting spaces at law enforcement facilities to meet with detainees, and the lack of access to information about their client's case.

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 granted these hearings but typically granted detention 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.

On April 1, compulsory procedures to protect detainees, including video recording of actions involving detainees and explanation of procedural rights to detainees, were introduced. The new procedures also stipulate that police are required to notify either family members or other designated persons regarding the arrest and location of a detainee within 24 hours. According to media reports and human rights activists, these protective measures had not been well implemented and reports of police abuse following detention were common.

Civil society reported that authorities physically abused or tortured suspects before notifying either family members or attorneys of their arrest in order to obtain a confession. In February the Ombudsman's Office released its 2019 annual report, which noted that cameras in interrogation rooms at law enforcement facilities were frequently turned off or detainees were tortured and interrogated within camera blind spots. The report called for the creation of a special investigative committee to look into such cases. The ombudsman stated publicly on May 29 that 80 to 90 percent of the complaints of torture received by the office occurred at pretrial detention facilities rather than in the prison system.

On August 10, President Mirziyoyev signed a decree aimed at introducing

UZBEKISTAN

mechanisms to eliminate the torture of detainees by ensuring the right of detainees to meet privately with defense lawyers upon arrest, ensuring the presence of defense lawyers during witness interrogation, outlawing the use of illegally obtained evidence; and introducing the use of plea agreements.

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 that a judge 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. 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

UZBEKISTAN

from the bar association under the control of the Ministry of Justice claiming that they violated professional ethical norms.

The country had relatively few defense lawyers per capita, and activists said this likely was due to lower levels of pay, prestige, and influence in comparison to judges and prosecutors.

On November 30, the president signed a law that allows the National Guard, the Prosecutor General's Office, and police the right to surveil electronically attorneys' communications with clients. With the consent of the prosecutor or an investigator, officials (including prosecutors, investigators, and state bodies) can have access to conversations, messages, and other forms of information conveyed between a defendant and his or her lawyer by telephone and other telecommunications devices. Officials may also record these conversations. In some cases, authorities detained suspects and required them to sign a nondisclosure agreement that prevents them from discussing their case publicly. Human rights lawyers complained authorities used this tactic as a way to prevent lawyers and clients from receiving outside assistance or boosting publicity about their cases.

Arbitrary Arrest: Bloggers and activists were occasionally detained arbitrarily. In July local police illegally detained and interrogated journalists in Karakalpakstan without a court summons and seized their phones and laptops due to claims of "false" reporting about the health of a local government official. The Prosecutor General's Office criticized the local police for what it termed "illegal acts."

In contrast with previous years, religious groups reported that arbitrary detention of their members no longer occurred.

The government phased out the use of preventive watch lists, which contained the names of those convicted for religious crimes or crimes against the regime. In 2019 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

UZBEKISTAN

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. On August 26, the Ministry of Interior press service released a video announcing that some prisoners would be pardoned or released in honor of Independence Day. The Ministry of Foreign Affairs noted that a large number of the pardons included those convicted on “religious extremism” charges. The video and accompanying press declared the government had released or pardoned 4,500 prisoners since the death of former president Karimov in 2016, including 1,584 religious prisoners (of these, 1,215 were released and 369 received reduced sentences). On August 27, in advance of the country’s Independence Day, an additional 113 prisoners received pardons, including 105 religious prisoners. On December 7, to mark Constitution Day, the government released 104 prisoners, including 21 religious prisoners, bringing the total number of religious prisoners released since 2016 to 1,710. 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 did not exercise 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

UZBEKISTAN

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 and 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 states, "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. On August 20, the council invited media representatives to a first-ever meeting during which council members discussed the appointment of 19 new judges.

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, 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. Authorities generally announce 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.

UZBEKISTAN

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.

While the overwhelming majority of criminal cases brought to trial resulted in guilty verdicts, the number of acquittals has risen. According to the Supreme Court's website, the number of acquittals increased from six in 2016, to 263 in 2017, to 867 in 2018, and to 859 in 2019 (compared to 27,603 convictions in 2019).

Following his September 2019 visit to the country, UN Special Rapporteur on the Independence of Judges and Lawyers Diego Garcia-Sayan highlighted the 2019 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. His formal report, issued in June, noted that corruption remained a concern and a number of forms of interferences continued to undermine both the independence of the judiciary from other branches of government (affecting institutional independence) and the independence of individual judges to adjudicate the cases before them impartially and autonomously (affecting personal independence). The report noted that "prosecutors retain a prominent role in criminal proceedings, and the proceedings for the appointment and dismissal of the prosecutor general do not provide sufficient guarantees to prevent undue political influence from the legislative and executive branches of power, raising considerable concerns as to the institutional independence of the whole prosecution service."

The UN special rapporteur's report also noted that, "the shortage of lawyers severely affects access to justice, especially outside of Tashkent, and lawyers continue to encounter several obstacles in obtaining access to clients, in particular during pretrial detention." It stated that some lawyers, for example, those defending persons who charged with terrorist offenses or who are political prisoners, reported harassment and illegal searches prior to meetings with clients in detention facilities. Further, it stated lawyers also experienced a lack of access to information, files, and documents in the possession of government authorities. The report found that lawyers were frequently denied access to case files prior to

UZBEKISTAN

indictments or were prevented from summoning or cross-examining witnesses. In cases involving state security, lawyers did not have access to the indictment or the final ruling. The report concluded that this constituted a serious violation of the principle of equality of arms, since defendants were de facto deprived of any effective legal assistance.

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.

In 2019 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 consent, limiting such broadcasts to minor cases typically involving administrative offenses or economic cases. Despite the Supreme Court's efforts to publish its rulings on its website, lower-level courts generally did not publish their

UZBEKISTAN

rulings, making it difficult for defense lawyers to build arguments based on legal precedent.

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

Political Prisoners and Detainees

In August the government released four high-profile prisoners. Three of these (Rustam Abdumannopov, Iskandar Khudaiberganov, and Akrom Malikov) were considered by Tashkent-based human rights organization Ezgulik and other domestic human rights activists to be the only three remaining political prisoners in the country. The fourth prisoner released was Rukhitdin Fakhrutdinov, a well known religious prisoner. It was unknown how many other religious prisoners remained in custody.

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.

According to numerous former political prisoners, the government provides released prisoners with an allowance upon parole to help them reintegrate into society, although some 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

UZBEKISTAN

understand the terms of their parole. This document typically includes a prohibition on travel abroad for up to one year. In years past, 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.

In 2019 high-level government officials periodically visited different regions of the country to conduct outreach to vulnerable social groups, such as former prisoners, and the government said it maintained this policy. COVID-19-related movement restrictions and strict quarantine protocols issued throughout the country likely affected the ability of officials to conduct such visits. In years past, former prisoners expressed concerns regarding the difficulty of placing children into kindergartens, obtaining assistance in securing housing, and receiving medical treatment, as well as concerns over their parole terms.

Some former political prisoners pointed out that they were still considered criminals because authorities did not fully exonerate them upon their release from prison. 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 in 2019, without success. On March 9, the Ministry of Justice registered the NGO under a new name, Hoquqiy Tayanc (Legal Pillar); 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 or other crimes. In five separate instances during the year, President Mirziyoyev released or reduced the sentences of 243 prisoners detained on religious extremism or other grounds.

Politically Motivated Reprisal against Individuals Located Outside the Country

Kyrgyzstan authorities extradited journalist Bobomurod Abdullayev to Tashkent

UZBEKISTAN

on August 9 at the request of Uzbekistan authorities. The Uzbekistan government charged the journalist on two counts of crimes against the government, reportedly based on accusations that he had published allegations of corruption against Uzbekistan officials. After Abdullayev signed a nondisclosure agreement, he was released, and the charges were eventually dropped (see section 2.a.).

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 continued to displace citizens from their homes or businesses, often without due process. On February 14, a fight broke out between police and residents of a village in the southern region of Surkhondaryo due to news this campaign would demolish their homes. Also in February, a woman was severely burned in Qarshi after she set herself on fire in front of the regional prosecutor's office to protest the illegal demolition of her home. On August 28, more than 100 residents in a Tashkent neighborhood began protesting the demolition of their private garages where a builder planned to construct an apartment building. The residents had been fighting the planned construction for months.

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.

UZBEKISTAN

On August 6, unknown assailants simultaneously hacked the Telegram accounts (a popular social messaging app) of several bloggers and journalists, including the owners of Telegram channels https://t.me/nobody_cares_but (10,000 subscribers) https://t.me/insider_uz (7,000 subscribers), <https://t.me/kurbanoffnet> (7,000 subscribers), and journalists Zafarbek Solizhonov and Anora Sodikova. Bloggers and journalists later posted online their belief that the aim was not only to attack freedom of speech but also to obtain personal information that could later be used against them. “We know that this attack was aimed at specific individuals, so it can be said that the main target was not money,” wrote journalist and blogger Eldar Asanov on his Telegram channel (8,000 subscribers).

The government adopted a unified statute addressing matters related to personal data protection and processing in 2019. 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.

There were no reports of raids of the homes of religious groups’ members and unregistered congregations.

The government continued to use an estimated 12,000 *mahalla* (neighborhood) committees as a source of information on potential “extremists.” The committees provide 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 serve 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.

In February, President Mirziyoyev issued a decree that established the Ministry for the Support of the Mahalla and the Family. The new ministry is tasked with ensuring close cooperation between the state level government and the local mahallas on issues of women, family, and social structures.

UZBEKISTAN

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 Speech: 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.

On August 9 in Bishkek, Kyrgyzstan, local authorities arrested Uzbekistani journalist Bobomurod Abdullayev at the request of the Uzbekistan government. Abdullayev was charged under Articles 158 (Offense against the President) and 159 (Attempt to Overthrow the Constitutional Order) of Uzbekistan's Criminal Code. The charges stemmed from authorities' accusation Abdullayev was writing under the pen name "Qora Mergan," (Black Sniper), an author that publishes allegations of corruption against Uzbekistan government officials, which Abdullayev denied. On August 22, Kyrgyz officials forcibly repatriated Abdullayev to Uzbekistan. He was released after signing a nondisclosure agreement, and after several weeks authorities dropped the charges.

Freedom of Press and Media, Including Online Media: 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 some foreign journalists and media outlets the opportunity to work in the country. For example, the government

UZBEKISTAN

continued to deny *Radio Free Europe/Radio Liberty's* accreditation request. Others, such as BBC, Voice of America, and Eurasianet, were accredited.

In January the government's Public Fund for Support and Development of National Mass Media began operating. The main purpose of the Public Fund is to help media outlets develop and maintain equal rights in the media market and to promote the rights of journalists and bloggers.

During the COVID-19 pandemic, print newspapers and magazines could not be published for several months. In their place was increased reporting from popular online media outlets, such as *Kun.uz* and *Daryo.uz*, as well as through channels on the social messaging app Telegram.

On November 20, the Agency of Information and Mass Communications (AIMC) sent warning letters to leading news websites *Kun.uz*, *Gazeta.uz*, and *Podrobno.uz*, for questioning the legitimacy of official COVID-19 statistics reported by the Ministry of Health. The letter from AIMC noted: "the publication of information based on unverified data and the attitude expressed in this regard led to the formation of the wrong opinion among the public." AIMC's letter warned that "publication of such unverified information in the future may lead to serious legal consequences." Subsequently, AIMC Director-General Asadjon Khodjayev accused several media outlets such as *Kun.uz*, *Daryo.uz*, and *Gazeta.uz* on November 26 of bias and again threatened "serious legal consequences."

On December 29, President Mirziyoyev supported media freedom in his annual address to parliament, saying, "It should be especially noted that the mass media, along with objective coverage of the large-scale changes taking place in our country, draw the attention of government agencies and the public to the urgent problems on the ground and encourage leaders at all levels to solve these problems. Today they are increasingly becoming the 'fourth power.'"

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 government prohibited the promotion of religious extremism, separatism, and

UZBEKISTAN

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. The government-run *Ozbekistan* is a 24-hour news channel that broadcasts current affairs and news in Uzbek, Russian, and English.

Violence and Harassment: Police and security services subjected print and broadcast journalists to increased arrest, harassment, and intimidation.

Even before and during the COVID-19 pandemic, some journalists reported a “negative trend” in terms of media freedom, citing daily reports of harassment of journalists and bloggers. Some journalists said they believed the security services used the pandemic as a way to remind media that “they are still in charge,” despite the president's public claims that journalists and bloggers are a vital part of the country's reform process.

In April authorities detained Sharifa Madrahimova, a correspondent of *Ma'rifat* newspaper, after she filmed a documentary video in local bazaars to report on price gouging on basic food items during the COVID-19 quarantine.

In May, following the collapse of a dam in Sardoba that displaced hundreds of villagers, two journalists at a popular sports channel were fired after publicly criticizing how a state-run news channel covered the story. Bobur Akmalov (editor) and Jamoliddin Babajanov (producer), at “Sport,” made their remarks during a radio program broadcast on May 18.

On July 26, the Prosecutor's Office summoned the chief editors from three Karakalpakstan news websites after printing unconfirmed reports about the death

UZBEKISTAN

of Karakalpakstan parliament's chairman, Senator Musa Yerniyazov, who tested positive for COVID-19. In addition, the Ministry of Interior summoned a blogger in Karakalpakstan who posted the same story. The three online outlets, as well as the blogger, all later retracted their reports about the senator's death. A Tashkent-based website also published the news, only to claim later that "this unconfirmed information was published as a result of hacking." Bloggers and journalists in Karakalpakstan reported that the dissemination of information in the region in general was "severely restricted" and the local authorities were covering up the real number of COVID-19 cases and deaths.

On August 22, police arrested a popular vlogger who frequently called for changes in the local leadership in Fergana (where the governor is widely seen as corrupt). Authorities detained Dadakhon Haydarov, a 22-year-old from Sokh District of the Fergana Region and who had a large YouTube following, and detained him for 10 days. According to his father, officials took Haydarov from his parent's home and transferred him by helicopter to Fergana City.

In May unknown assailants attacked the cameraman accompanying a journalist from the internet publication "Effect Uz" while investigating a story in the Fergana Region. The journalist told media that "unknown persons sprayed a gas canister into the (camera) operator's eyes and broke the car windows. In addition, the attackers stole a video camera, which is the property of the publication." The cameraman suffered injuries from the attack.

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 such as *Kommersant.uz* and *Nuz.uz* published some 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 were still on a "black list" that limited their ability to publish elsewhere.

In 2019 the government unblocked the website of privately owned *Kun.uz*, which

UZBEKISTAN

had been 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 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 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 legal reprisal.

Internet Freedom

The government generally allowed access to the internet, including news and social media sites. In the initial months of the COVID-19 pandemic, when citizens began to complain about the government's response in online social forums, the government restricted access to social media, Facebook in particular, with frequent service interruptions. Users noted that while the government did not block the site, it became extremely difficult to load pages and view content. Users noted improvement of Facebook functionality only in August, once the nationwide quarantine was lifted. 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. The government blocked the website of Forum 18, a human rights news site.

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.

UZBEKISTAN

In March the government amended the criminal code to include prohibitions against spreading “false” information regarding COVID-19. On March 31, Dr. Alimardon Sulstonov, a trauma surgeon at Ellikkala Central State Hospital in Karakalpakstan Region, called the local medical emergency service to ask whether there were any coronavirus cases in Karakalpakstan. Five officials then came to the hospital to question Sulstonov, known for publicly discussing freedom of religion and belief on his social media pages. The officials asked Sulstonov if he had any religious texts on his person. He said he had Muslim texts on his computer, so officials confiscated it. Authorities opened a criminal case against him for allegedly spreading false information on lockdown measures under the new criminal code. On November 23, the court of the Ellikalansky District of Karakalpakstan sentenced him to 14 months’ of restrictions on his freedom of movement, including time served since March, for the “Illegal Manufacturing, Storage, Importation, or Distribution of Materials of Religious Content” as well as for “Distribution of Information about the Dissemination of Quarantine and Other Hazardous Infections.”

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.

UZBEKISTAN

Authorities occasionally required department-head approval for university lectures, and university professors generally practiced self-censorship.

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.

On March 20, an Andijan regional court sentenced Muslim scholar and human rights activist Musajon Bobojonov to 15 days' detention for conducting a *nikah* ritual (an unregistered religious marriage ceremony). Although performing *nikah* is not itself illegal, Bobojonov was sentenced under Article 201 of the administrative code, "violation of the procedure for organizing, holding meetings, rallies, street processions, or demonstrations." After the intervention of Bobojonov's lawyer, human rights activists, and local bloggers, the court reduced his sentence to five days.

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

UZBEKISTAN

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. The Ministry of Justice no longer requires NGOs to obtain approval 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 provides NGOs with written notice only in cases of refusal to conduct the event. The law also requires that NGOs file annual reports to the government. In

UZBEKISTAN

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.

The law grants the Ministry of Justice authority to inspect and audit NGOs.

Due to the burdensome challenges registering NGOs, many prominent and respected organizations have not received registration from the government. As a result, civil society remains stifled and the level of regulations prevents organizations from gaining a footprint in the country.

On January 18, shortly after Ezgulik assisted blogger and activist Nafosat Olloshkurova as she fled the country, authorities seized the registration certificate, charter, computers, and other documents of the Ezgulik branch office in the Jizzakh Region. According to Ezgulik, prosecutors stated they had a warrant to conduct the search but did not produce it when asked. The next day the prosecutor's office filed a corruption case against the head of the branch office, Zifa Umrzakova. In June the Criminal Court of Jizzakh sentenced her to two years of "restricted movement." The case was pending appeal, with a hearing scheduled for January 11, 2021.

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

UZBEKISTAN

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 throughout the country to have a domicile registration stamp (formerly known as *propiska*) 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. Previously, individuals needed permission from local authorities to move to Tashkent City or the Tashkent Region from other parts of the country.

On May 13, the president signed an amended law governing residence registration in Tashkent and specifically the list of categories of citizens “subject to permanent registration in the city of Tashkent and Tashkent Region.” The new law enables citizens to register at the addresses of their relatives “in a direct line” along first and second degrees of kinship, and canceled the requirement that a couple must live together for one year after marriage in order to retain their residence permit. A new stipulation was introduced that specialists (with some exceptions) who have been working continuously for five years or more in government bodies and organizations located in the city of Tashkent and Tashkent Region, together with their family members, also have the right to permanent registration. Effective September 1, residents from other regions visiting Tashkent or Tashkent Region

UZBEKISTAN

may stay for up to 15 days without filing for temporary registration with the police, extended from 10 days.

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: In 2019 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.

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 any tests in order to qualify for foreign travel.

e. Internally Displaced Persons

On December 9, the government announced it had repatriated 98 Uzbekistani women and children from Syria, where they had “suffered bitter consideration due to the mistakes of spouses or fathers.” The government pledged to assist them and provide necessary support for their return to society.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, returning refugees, and other persons of concern.

UZBEKISTAN

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. According to a 2018 UNHCR publication, “Uzbekistan is the only country in Central Asia and the CIS that is not a signatory to the 1951 Refugee Convention and its 1967 Protocol. Furthermore, there is no national legislation to deal with asylum seekers and refugees. Rather, asylum seekers are dealt with according to migration legislation.” There were no known cases of refoulement during the year.

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.

During the year, there were 14 individuals (10 cases) remaining under the UNHCR mandate. UNHCR--through its regional offices, as it does not have an office in-country--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. Due to the COVID-19 pandemic, most refugees lost access to their livelihoods, and in May, UNHCR provided a one-time financial assistance to all refugees in the country.

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

g. Stateless Persons

In the past some refugees from Tajikistan were officially stateless or faced the possibility of becoming officially stateless, as many carried only old Soviet passports rather than Tajikistan or Uzbekistan passports. Children born to two stateless parents could receive Uzbekistani citizenship only if both parents had a residence permit.

UZBEKISTAN

On March 13, the president signed a new law on citizenship. While the new law did not come fully into effect until September 13, the provision that confers citizenship to registered stateless persons who were granted permanent residence in the country before January 1, 1995, went into effect on April 1. According to the UNHCR representative for Central Asia, of the more than 97,000 stateless persons residing in the country, 49,228 individuals benefited from the new provision and would be recognized as citizens. In a statement on March 17, UNHCR welcomed the law and noted its role in providing recommendations to national authorities during its drafting. The UN Secretary-General's Office issued a statement on March 19 congratulating the country on passing the new law, noting it was a significant contribution toward the United Nations' global effort to end statelessness by 2024.

On December 29, in his end-of-the-year address to parliament, President Mirziyoyev announced plans to grant Uzbekistan citizenship to stateless persons resident in the country since 2005. Media reported this would give 20,000 more persons the opportunity to become citizens.

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's Office for Democratic Institutions and Human Rights (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

UZBEKISTAN

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 in December 2019. 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 demonstrate genuine competition and full respect of election-day procedures.

The government updated the election code in 2019 and combined 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 were 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 in 2019. 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

UZBEKISTAN

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 hatred and condones acts of terrorism.

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

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority communities in the political process, and they did participate. The parliamentary elections in December 2019 doubled the number of seats held by women, from 24 to 48. Women made up 32 percent of members of parliament. 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.

On June 29, a presidential decree established the Anti-Corruption Agency, which is mandated to develop and implement national anticorruption policies. The Agency may also: request, receive and conduct research over budget expenditures, sale of state-owned assets, public procurement, implementation of investment projects and

UZBEKISTAN

government programs; review letters from individuals and legal entities on corruption issues and take measures to restore their violated rights and protect their interests; conduct administrative investigations of corruption offenses; and, make binding orders on the suspension of performance or annulment of decisions of executive authorities, economic management bodies, and their officials if signs of corruption are detected in them. The agency is subordinated to the President and reports to the Legislative chamber of parliament.

Corruption: On June 24, authorities detained the head of the Main Department for Capital Construction in the Khokimiyat of Chilanzar (district of Tashkent) for allegedly taking a bribe of \$50,000 (after allegedly asking for \$1.4 million). The bribe was reportedly intended for assistance in registering an expensive land plot. Investigators opened a criminal case against the detainee under Article 210 (Bribery) of the criminal code.

On November 19, the government's Anti-Corruption Agency reported the damage from corruption offenses of officials in 2020 surpassed 200 billion soum, (\$20 million). According to the agency, law enforcement agencies opened 838 criminal cases of corruption, in which 647 officials were prosecuted in 454 cases. Most of the officials (40.3 percent) committed crimes under embezzlement charges. Of those prosecuted, four were officials at the state level, 15 at the regional level, and 626 at the city and district levels. Further, seven were deputy mayors, 57 were employees of the Ministry of Health, eight were from the Ministry of Employment and Labor Relations, 15 were from the Ministry of Higher and Secondary Special Education, 89 were from the Ministry of Public Education, 36 from the Ministry of Preschool Education, 13 from the Bureau of Compulsory Enforcement under the Prosecutor General's Office, 59 from the Ministry of Internal Affairs, two from the National Guard, six from the State Tax Committee, and three from the Ministry of Defense. In addition, among those accused of corruption were 34 executives of banks and 184 executives of enterprises with state shares.

On December 1, the Anti-Corruption Agency reported that judges of the Tashkent city administrative court had embezzled eight billion soum (\$766,000). According to the agency, "Several judges and their assistants conspired with the officers of the Tashkent city traffic police department. They made an estimated five thousand

UZBEKISTAN

fake decisions without initiating administrative cases on traffic violations. They reviewed cases without the participation of the parties and deliberately destroyed some administrative cases resulting in damage to the state budget.” The agency reported that the General Prosecutor’s Office had opened a criminal case against judges and other employees of the Tashkent City Administrative Court.

On December 17, media reported that a study conducted by law enforcement officials revealed 1,525 cases of corruption regarding the supply of electricity, natural gas, and coal worth 59 billion soum (\$5.6 million). The report also noted the Prosecutor’s Office and tax authorities identified 110 cases related to the purchase and sale of coal.

On February 5, in response to international pressure, officials released Aramais Avakian, who had been imprisoned since 2016 on charges of “plotting anticonstitutional activities” and participating in an extremist organization. Charges against Avakian, an ethnic Armenian Christian, stemmed from the failure by local authorities to attempt to take over his successful fish farm through coercion.

Financial Disclosure: Some 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

UZBEKISTAN

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, were registered with the government. Ezgulik representatives reported improved cooperation with government officials during the year. The government continued to deny the registration requests submitted by most other domestic groups.

Harassment of activists took place. On September 4, three strangers who introduced themselves as journalists allegedly visited local human rights activist Haitboy Khaydarov at his home in Khorezm to speak to him about human rights issues. When the three men began taking photographs of him and demanding information about journalist Bobomurod Abdullayev (extradited to the country in August), Khaydarov became concerned and asked to see their documentation as journalists. The men then threatened him, telling him it would be better to “talk” about where and when he had worked with Abdullayev and suggested they could “take him” away.

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

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

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

UZBEKISTAN

accordance with international human rights norms, and resolving cases of alleged abuse. The Ombudsman's Office is tasked with mediation of disputes among citizens who contact it and makes recommendations to modify or uphold decisions of government agencies, but its recommendations are not binding. The Ombudsman's Office is permitted to make unannounced inspections of prisons and had 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.

In its 2019 annual report, the Geneva-based UN Working Group on Enforced or Involuntary Disappearances noted it still had seven outstanding cases from previous years. In its September 2019 report, the working group reiterated its request to visit the country. The request was first issued in 2011, with the most recent formal reminder was sent in January 2019.

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

Women

Rape and Domestic Violence: In 2019 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 committee network, and NGOs working in the area of protecting women from domestic violence. Nonetheless, the criminal and administrative codes did not yet include adequate provisions regarding punishment. Protection orders can be issued, but activists said they were of little use to the victim. One activist stated, "When issuing protection orders, 'preventive talks' are held and the victim is reconciled with the offender. It turns out that the

UZBEKISTAN

protection orders help criminals to avoid the liability they should incur in the event of domestic violence.”

On May 31 in Fergana, a 22-year-old man severely beat and hospitalized a 17-year-old girl named Evelina after she ignored his advances. The story was highlighted in social media when the victim published her story on Facebook. The day after Evelina went public, the Investigative Department of the Ministry of Internal Affairs publicly commented that it had just opened a criminal case to investigate the allegations, even though the assault had taken place two weeks earlier. Two days after the ministry’s comments, Evelina reported that she had signed a “peace agreement” with the assailant, which activists believed she was forced to do.

Cultural norms discouraged women and their families from speaking openly regarding rape. On March 27, journalist and founder of an independent project seeking to combat domestic violence in the country nemolchi.uz (Do Not Be Silent) Irina Matvienko received a notification from the Agency of Information and Mass Communications (AIMC) stating that “the content of her website does not meet the national mentality of Uzbekistan and can negatively affect the spiritual and educational mindset of the nation, especially young people.” The AIMC informed Matvienko that as the project’s administrator, she had violated a number of laws, such as the Law on State Youth Policy, the Law on the Protection of Children from the Information Harmful to their Health, and the Law on the Spread of Information. The AIMC specifically highlighted an anonymously published story about domestic violence that mentions rape. The case received attention from journalists and human rights groups. The AIMC then revoked the violation notification on April 14 following the intervention of the Public Fund for Support and Development of National Mass Media, an organization founded by the eldest daughter of President Mirziyoyev.

There were government-run and some NGO-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. According to the Ministry of Mahalla and Family Affairs, the hotline received 50 to 60 calls per day on average. Women in the shelters were provided with food,

UZBEKISTAN

medicines, and hygiene products at the expense of the ministry as well as at the expense of the Public Fund under parliament.

In April the Commission on Gender Equality of Uzbekistan, together with the UN Population Fund (UNFPA) and the Center for Support of Civil Initiatives, launched a telephone hotline service during the COVID-19 quarantine period. The aim of the hotline is to protect women's rights and prevent harassment and violence against them.

In May the government launched a "No to Violence" Telegram channel, reaching 4,000 subscribers. The Ministry of Internal Affairs announced that between May 11 and May 18, there was an increase of new cases, received calls, and protection orders issued.

The COVID-19 lockdown increased the number of complaints of domestic violence. According to Jizzakh-based NGO Center of Rehabilitation and Adaptation of the Victims of Domestic Violence, from January to November it received three times more complaints than in 2019, which it attributed to the lockdown.

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.

UZBEKISTAN

Reproductive Rights: Couples and individuals generally have the right to decide the number, spacing, and timing of their children. Individuals have the right to manage their reproductive health and had access to the information and means to do so, free from discrimination, coercion, and violence. Unlike in years past, there were no reports that government doctors pressured women to accept birth control or employ medical measures, such as sterilization, to end the possibility of pregnancy.

The law regulates reproductive health procedures permitting voluntary and informed consent for sterilization of an adult. Citizens had access to voluntary family planning, including the ability to choose methods of contraception. Women have the legal right to receive medical assistance for individual selection of contraceptive methods, based on their medical condition, age, and individual characteristics.

In February the Ministry of Health approved procedures for in-vitro fertilization.

Contraception was generally available to men and women. In most districts, maternity clinics were available and staffed by fully trained doctors who provided a wide range of prenatal and postpartum care. Activists working on women's issues reported that in most cases births were attended by skilled medical personnel.

The government provided medical attention to women who reported sexual violence, although activists reported the topic remained taboo and there were no official statistics on the number of cases.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: In 2019 the president signed a law on gender equality, a first for the country. The law provides for equal opportunities in the area of health care, education, science, culture, labor, and social protection.

In 2019 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

UZBEKISTAN

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.

Child, Early, and Forced Marriage: In 2019 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 monetary fine 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 is punishable by a fine or by imprisonment for three to five years.

Institutionalized Children: According to UNICEF, more than 20,000 children with disabilities resided in institutions. Children placed in residential care for educational purposes were overrepresented in these institutions. The most recent reports from the State Statistics Agency, published in 2017, indicated that 84

UZBEKISTAN

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 at 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.

On October 16, President Mirziyoyev signed a new law on the rights of persons with disabilities. The law is based on international standards and the requirements of the UN Convention on the Rights of Persons with Disabilities. Among other provisions, it introduced the term "person with disability" instead of "disabled"

UZBEKISTAN

and “invalid.” It provides improved benefits for persons with disabilities, including a reduction in the time frame for consideration of a disability application from three months to 10 days.

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.

The law obliges public institutions and private enterprises, where at least 20 individuals are employed, to reserve at least 3 percent of jobs for persons with disabilities. Activists reported this law was rarely implemented or enforced. Activists noted the amounts of disability benefits and pensions were inadequate to the needs of socially vulnerable families due to the lack of an officially established minimum subsistence level.

The COVID-19 pandemic exacerbated the environment for persons with disabilities, as the cessation of public and private transport during the initial lockdown created food security issues for children and adults with disabilities. Persons with disabilities therefore relied on episodic food assistance provided by mahalla committees.

Disability rights activists reported that discrimination occurred and estimated that approximately 8,500 adults with disabilities (of more than 631,000 between the ages of 16 and 60) 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 sometimes studied dated braille books published during Soviet times, but there were some computers adapted for persons with vision disabilities, and some newer braille books were donated to schools. The number of persons with disabilities significantly increased in institutions of higher learning as the result of a government quota system. In 2017

UZBEKISTAN

only 50 persons with disabilities were accepted to higher education. In 2019 the number was 1,659, which increased to 2,200 by the end of the year.

Members of National/Racial/Ethnic Minority Groups

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, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Article 120 of the criminal code criminalizes consensual same-sex sexual conduct between men, which is punishable by up to three years’ imprisonment if convicted of this crime. The law does not criminalize consensual same-sex sexual conduct between women.

Society generally considered same-sex sexual conduct as a taboo subject. There were no known lesbian, gay, bisexual, transgender, and intersex (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.”

LGBTI activists report continued harassment from police, which are rumored to

UZBEKISTAN

use LGBTI persons to entrap others in blackmail schemes. On November 24, media reported that authorities arrested an assistant to the Supreme Court Chair on charges of homosexual relations. According to reports, the assistant had been in a long-term relationship with a partner who extorted \$17,000 from him to keep the relationship secret. When the assistant refused to keep paying, the partner leaked videos he had filmed of the two having sex. One media outlet wrote that this was not the first case of homosexual relationships in the public sphere, asserting there were officials who were not openly gay in almost all ministries, including 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 2019 UNAIDS estimated 50,000 individuals were living with HIV, including up to 6,000 children younger than age 14. Coverage of HIV-infected adults with antiretroviral therapy was 58 percent, while coverage of children was 91 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 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.

On November 1, the director of the Republican AIDS Center reported there were 78 HIV diagnostic laboratories in the country, including 15 laboratory facilities at AIDS centers and 63 interdistrict laboratories. The state allocated more than eight billion soum (\$766,000) annually to provide the laboratories with test systems and reagents.

UZBEKISTAN

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. The government effectively enforced applicable laws. Despite their legal status, no independent labor unions operated in the country. The law neither provides for nor prohibits the right to strike, but it prohibits 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 strong legal protections of their rights.

There was no public information available regarding government enforcement of applicable laws, since there were no known cases of attempts to form independent unions. The law provides penalties for violating freedom of association laws. Penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination. The government amended the law on “professional unions, rights, and guarantees of their activities.” Despite legal protections for profession unions, workers had not successfully formed or joined independent unions. Workers continued to worry that attempts to create independent alternative unions would be repressed. Unions remained centralized, controlled by, and dependent on the government.

The state-run Federation of Trade Unions of Uzbekistan included in its ranks 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 did not undertake independent bargaining on behalf of their members. 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. The government moved toward letting the market determine prices in a larger number of sectors than in previous years. In the emerging private sector, management established wages or negotiated them individually with persons who contracted for

UZBEKISTAN

employment. Labor arbitration was underdeveloped.

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. The government effectively enforced the law, but penalties were not commensurate with those for other analogous serious crimes, such as kidnapping.

Inspectors from the Ministry of Employment and Labor Relations (Ministry of Labor) 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 International Labor Organization (ILO) increased the scope of its third-party monitoring on child and forced labor in the cotton harvest during the year.

Government-compelled forced labor of adults remained in other sectors as well. Despite a 2018 government prohibition, reports continued of local officials forcing teachers, students (including children), private businesses employees, and others to work in construction and other forms of noncotton agriculture and to clean parks, streets, and buildings. Officials occasionally compelled labor by labeling these tasks as *hashar*, voluntary work for the community's benefit.

The government increased 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. Additionally, the government abolished state production quotas for the annual cotton harvest. Harvesters typically came from vulnerable groups such as impoverished families, unemployed persons, and single mothers.

The elimination of cotton production quotas was long called for by international organizations focused on the country's forced labor issue. As a result, local officials are no longer held responsible for mobilizing sufficient labor to meet

UZBEKISTAN

established production targets in the harvest, which in previous years had been a key driver of forced labor. The government continued to take steps towards privatizing the cotton sector by expanding so-called cotton “clusters.” Cotton clusters are private, vertically integrated enterprises (from farm to finished product) that receive land concessions from the government to either farm cotton directly or contract with cotton farmers in a given district.

The ILO found no evidence of “systemic or systematic” forced labor in the annual cotton harvest, while estimating 102,000 disparate cases of involuntary labor, a significant reduction from previous years.

Responsibility for overseeing government efforts to end forced labor and trafficking in persons resides with the National Commission on Trafficking in Persons and Forced Labor. The 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 commission itself. Tanzila Narbaeva, who also served as chair of the Senate, continued to fulfill the role of special rapporteur for the commission. The government-empowered special rapporteur reports directly to the president. Regional-level bodies report to the commission on implementation of laws and regulations related to forced labor and trafficking in persons.

On December 4, the National Commission on Trafficking in Persons and Forced Labor reported that 170 government officials were fined 654 million soum (\$63,000) for violations of labor law, including five district governors (*hokims*), who were reprimanded for allowing forced labor to take place during the cotton harvest; the *hokims* were threatened with dismissal and could be subject to criminal prosecution for any repeat offenses. Of the 170 government officials, 42 officials--including business leaders, *hokims*, and their deputies--were prosecuted under Article 51 of the administrative code of responsibility (compulsion to labor.) The State Labor Inspectorate also identified 61 cases of failure to honor the labor contracts of more than 540 citizens, 34 cases of poor working conditions, and 17 cases of late payment of wages. Since the beginning of the cotton harvest season, the Ministry of Employment and Labor Relations received 790 complaints of forced labor. Civil society activists submitted 26 complaints, including six

UZBEKISTAN

identifying forced labor that resulted in fines imposed on officials.

The government maintained formal prohibitions on the use of forced labor in all economic sectors and worked to enforce these provisions. Administrative penalties against the use of forced labor include a fine for first offense. Secondary offenses are criminalized.

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, but this provision was not always observed. Children age 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 ages 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 small-scale family agriculture; in family businesses, such as bakeries and convenience stores; and in the provision of some kinds of services.

UZBEKISTAN

Inspectors from the Ministry of Employment and Labor Relations have authority to enforce laws on child labor, and they effectively enforced the law. Penalties were not commensurate with those for analogous crimes, such as kidnapping. Reports indicated that child labor was not widespread, although cotton harvest monitors identified isolated instances of child labor violations in the production and harvest of cotton as well as commercial sexual exploitation.

There was no evidence of any government-compelled child labor. The government prohibition against the use of students in the cotton harvest 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 prohibits women from working in 355 professions in 98 different industries, because of possible adverse effect to women's health. 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 was insufficient publicly available data to determine government enforcement of these laws and regulations and no data on instances of government actions to deal with cases of illegal discrimination. Penalties were commensurate to laws related to civil rights, such as election interference.

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

UZBEKISTAN

e. Acceptable Conditions of Work

The law provides for a national minimum wage. In January, President Mirziyoyev publicly acknowledged that between 12 and 15 percent of the population (between four and five million persons) lived at or below the poverty level. 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. Penalties for violations of wage and overtime laws were not commensurate with those for similar crimes, such as fraud. No data was available on enforcement of these laws in the informal economy. In an open letter to the authorities posted on Telegram in July, medical workers said that compensation promised by President Mirziyoyev had not been delivered and that salaries were often delayed. The letter also said that testing for COVID-19 among medical workers was uneven, raising the risk that they could spread the virus.

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. Penalties for violations of occupational health and safety laws were not commensurate with those for crimes, such as negligence.

Employers are responsible for ensuring compliance with standards, rules, and regulations on labor protection as well as obligations under collective agreements.

On October 20, thousands of workers rioted at an industrial facility under construction. The riots started after the employer, Enter Engineering Pte. Ltd.,

UZBEKISTAN

failed to provide employees with food that evening, which added to the workers' frustration over unpaid salaries. 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 supported and employees feared retribution by employers. The law requires employers to protect 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 Employment and Labor Relations 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. Inspectors do have the authority to make unannounced inspections and initiate sanctions. Reports suggested that enforcement was uneven because of the difficulty and size of the informal economy, where employment was usually undocumented. Despite an increase in the number of labor inspectors, the Ministry of Employment and Labor Relations lacked adequate staff to enforce compliance and prevent many violations in the informal sector.

The government continued with the extension of the ILO's Decent Work Country Program. 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 to shift more of the economy from

UZBEKISTAN

informal to the formal economy and to provide labor and social protections to those working informally.

The most common violations committed by private sector employers were violations of wage, overtime, and occupational health and safety standards. Although regulations provide standards for workplace safety, workers reportedly worked without necessary protective clothing and equipment at some hazardous job sites. More specific information was not available on sectors in which occupational safety violations were common, as well as on specific groups of workers who worked in dangerous conditions or without needed safety equipment. In July media reported doctors, nurses, and workers at quarantine centers were being forced to sign waiver letters promising not to make claims against the government if they contracted COVID-19. In March the country joined the Commonwealth of Independent States' Interstate Council for Industrial Safety to improve its industry safety standards. The government did not provide statistics on industrial accidents.