



Nations in Transit 2004
UZBEKISTAN*

| <i>NIT Ratings</i> | 1997 | 1998 | 1999 | 2001 | 2002 | 2003 | 2004 |
|-----------------------------------------------------|------|------|------|------|------|------|-------------|
| Electoral Process | 6.25 | 6.50 | 6.50 | 6.75 | 6.75 | 6.75 | 6.75 |
| Civil Society | 6.50 | 6.50 | 6.50 | 6.50 | 6.75 | 6.50 | 6.50 |
| Independent Media | 6.50 | 6.50 | 6.50 | 6.75 | 6.75 | 6.75 | 6.75 |
| Governance | 6.00 | 6.25 | 6.25 | 6.00 | 6.00 | 6.25 | 6.25 |
| Constitutional, Legislative, and Judicial Framework | 6.50 | 6.50 | 6.50 | 6.50 | 6.50 | 6.50 | 6.50 |
| Corruption | NA | NA | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 |

EXECUTIVE SUMMARY

Uzbekistan continues to be one of the most authoritarian countries that emerged from the Soviet Union. The 1992 Uzbek Constitution proclaimed the goal of establishing a socially responsible democratic republic that respects human rights and protects civil liberties. Although the Uzbek government also adopted a legal and regulatory framework that generally adheres to basic human rights standards, democratic norms, and the rule of law, it has not brought into practice policies and procedures that are faithful to these democratic ideals. Controls over the media continue to stifle freedom of expression. Administrative functioning continues to be excessively politicized. The absence of judicial independence continues to present serious impediments to commerce and liberty. And violations of human rights continue to call into question the good faith of the government's commitment to international standards. Despite a well-developed legal and regulatory framework, the rule of law continues to be subservient to the state rather than serve as the foundation of the state.

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NOTE: *Nations in Transit* ratings are based on a scale of 1 to 7, with 1 representing the highest level and 7 representing the lowest level of democratic development. The 2004 ratings reflect the period January 1 through December 31, 2003. The ratings reflect the consensus of Freedom House, its academic advisers, and the author of this report. The opinions expressed in this report are those of the author.

In 2003, the Uzbek government continued repression against political opponents, violated civil rights, and abridged fundamental freedoms. Some steps were taken toward reform in response to international criticism regarding corruption, abuse of public office, and violations of human rights. The government adopted constitutional changes that formally reduced the powers of the president. The government also rescinded currency policies that hindered the development of a market economy. However, these positive steps fell short of the goal of reorienting Uzbekistan's practices toward greater political and economic freedom.

Electoral Process. No major elections were held in 2003 in Uzbekistan. However, with parliamentary elections scheduled for December 2004 and concern over political succession growing, electoral politics gained considerable attention. The Uzbek government has not established a record of promoting free and fair elections. Rather, the Uzbek government has controlled preelection registration and nomination processes in order to neutralize political opposition, restricting the range of political competition to a few docile parties. Although the Uzbek system clearly deprives citizens of the means to change their government peacefully, the regime did relent somewhat in 2003 in its practice of preventing unsanctioned political meetings by allowing long-harassed opposition groups such as Erk to hold their first public meetings in more than a decade. Nevertheless, repression of opposition political parties and leaders remained widespread. *Uzbekistan's rating for electoral process stays the same at 6.75.*

Civil Society. Civil society in Uzbekistan lags far behind the standards for countries in similar stages of economic development, and the scope for individual initiative and civic participation remains highly circumscribed. Citizen initiative groups and lobbying organizations are sanctioned in law, but their activity is regarded suspiciously by the government. At the same time, social institutions that reinforce government policy are given support. The Uzbek government has sought to encourage such status quo groups by placing emphasis on *mahalla* (neighborhood) organizations as the nucleus of Uzbek civil society. However, *mahalla* leaders function in an environment in which their responsiveness is not to the people whom they serve, but rather to the government officials who exert control over them. Consequently, local self-government and community organization has not produced conditions of a vibrant civil society but has given rise to forms of "grassroots authoritarianism." *Uzbekistan's rating for civil society remains 6.50.*

Independent Media. Uzbekistan's media are subject to government control and manipulation, and many sources of information are circumscribed or excluded entirely. While censorship has been formally eliminated and some other forms of overt control over the media have been relaxed, in fact government control over the media continues to be a strong presence in the lives of journalists and reporters. Citizens are deprived of the information necessary to make balanced judgments on key questions of public policy and social conduct. Even in cases in which the elimination of formal censorship appears to strengthen freedom of speech, the danger of retaliation from local officials who fear exposure or scandal creates an atmosphere of self-censorship that may be as damaging to an independent media as censorship itself. *Uzbekistan's rating for independent media remains at 6.75.*

Governance. Structural reform in Uzbekistan made little headway in 2003. The country's long-stalled program for civil service and administrative reform was not completed, while reforms in banking, agriculture, and public utilities were delayed. However, the Uzbek government did make improvements in macroeconomic policy in 2003, including the elimination of the multiple exchange rate system in October 2003—a move paving the way for a regularized system of foreign trade. The previous system had the effect of emptying the country of foreign currency, thereby undermining legitimate commerce. *Uzbekistan's rating for governance stays the same at 6.25.*

Constitutional, Legislative, and Judicial Framework. The Uzbek Parliament amended the Constitution in March 2003 to create a second, smaller parliamentary chamber called the *Oliy Kengash*. Article 89 of the Uzbek Constitution, which had granted the president power to preside over both state and executive functions of government, was also amended to reduce the president's role to that of head of state. Nevertheless, the executive branch still controls the initiation and drafting of legislation, exercises scrutiny over the judiciary, and dominates local officials through powers of appointment and budget. Although Uzbekistan's Constitution makes numerous provisions for the protection of human rights, the government has violated these rights with impunity. Human rights defenders and opposition political activists are particular targets of abuse, and allegations of torture are widespread. Although the government declared a willingness in 2003 to allow greater monitoring of human rights, including in the country's prisons, it remains to be seen whether this will lead to real improvements in practice. *Uzbekistan's rating in the constitutional, legislative, and judicial framework category remains 6.50.*

Corruption. Corruption has long been the Achilles' heel of commerce in Central Asia. Since medieval times in certain oasis communities of Central Asia, government positions were bought and sold rather than earned through meritocratic procedures. There is evidence that important government positions in Uzbekistan continue to be traded, sold, or distributed on the basis of family, clan, or regional cliques. A public official who gains office through these means may then be expected to "pay off" patrons with money collected through levying taxes, fines, and service fees on those in subordinate positions. There are cases in which officials have been removed from office and charged with corruption, but the details of these cases remain sufficiently obscure to the public to create the impression of selective enforcement of law rather than universal application of legal principles to combat corruption. The Uzbek government has taken only modest steps to reduce these practices, and no comprehensive measures have been adopted to deal with the problem of corruption in its full scope. *Uzbekistan's rating in the area of corruption remains unchanged at 6.00.*

Outlook for 2004. Modest steps taken by the Uzbek government in 2003 to respond to allegations of human rights abuses, improve the constitutional framework, and provide greater scope for the activities of political parties, nongovernmental organizations, and the media ultimately were insufficient and did not constitute significant improvements in democratization. However, they will provide an important test in 2004 of the Uzbek government's willingness to make good on reform commitments prior to the December 2004 parliamentary elections. Carrying through is especially important given that no firm arrangements are in place for leadership succession in Uzbekistan. If economic and social problems in the country are not addressed and no adequate arrangements for succession are adopted, the Uzbek government could face a serious crisis in the near future.

MAIN REPORT

I. Electoral Process

The authority of the Uzbek government is not based on universal and equal suffrage. Neither is it based on the will of the people as expressed by regular, free, and fair elections conducted by secret ballot. Instead, according to leading international monitoring institutions, elections in Uzbekistan at the parliamentary and presidential levels have been characterized by significant violations of the country's electoral laws and as falling far short of accepted international practices. Genuine political competition does not exist, discussions of competing policy alternatives are actively suppressed (including in the media), and the population as a whole is disengaged from the political life of the country.

Adopted in 1992, Uzbekistan's Constitution identifies the country as a "democratic republic" and contains broad outlines of processes for electing the president and members of Parliament. Among the provisions is a two-term limit for the president. The Constitution is supplemented by additional, and more specific, legislation. Electoral processes in Uzbekistan are overseen by the Central Electoral Commission (CEC), a 14-member board established by the Uzbekistan legislature on the advice of the president. While the CEC is described as independent, it in fact has functioned since its establishment as an extension of the executive branch.

The presidency, the most important political office in Uzbekistan, has been dominated since before independence by former head of the Uzbek Communist Party Islam Karimov. Karimov was first elected president in March 1990 by the republic's Soviet-era Parliament. Then, in December 1991, as the Soviet Union was dissolving, Karimov was elected in a popular, competitive election in which he reportedly won 86 percent of the vote against Erk party leader Mohammad Solih. Karimov, who did not campaign widely, represented himself as the candidate of stability and order. Solih, in contrast, was portrayed to a certain extent as a champion of Uzbek nationalist revival. The election was not witnessed by international observers or other third parties, yet the margin of victory for Karimov invites suspicion. In March 1995, voters participating in a national referendum agreed to extend Karimov's term in office until the year 2000.

The official results of the January 2000 presidential election gave 95 percent of the vote to Karimov over opponent Abdulhafiz Dzhalalov. Leading international organizations declined to send observers, arguing that the election outcome had been predetermined. Overall, the election was regarded as a travesty of the democratic process. The Uzbek Parliament, for its part, interpreted the Constitution and the Law on Elections to mean that Karimov had run for president only once under the provisions of the 1992 Constitution (in the 2000 presidential elections) and was thus eligible to run again for a second term.

Despite ongoing discussion of political succession uncertainties in Uzbekistan, no changes have been made to the Constitution to provide for political succession. Article 96 of the Constitution does specify the procedure for removing the president in the event of infirmity, calling for a parliamentary commission to select an acting president from within its ranks

until a new president can be chosen in a popular election that must be held within three months. However, no provision exists for the automatic transfer of power in the event of death or extraordinary circumstances.

On May 25, 2000, in a speech to the Parliament, President Karimov proposed the creation of a professional legislature consisting of two houses: the existing Parliament plus a higher chamber now often referred to as the Senate. The creation of a bicameral legislature was put to a popular referendum on January 27, 2002, along with a constitutional amendment on extending the presidential term from five to seven years (or until 2007, and with the prospect of an additional seven-year term). According to the official results, more than 90 percent of participating voters approved the proposals; voter turnout was reportedly more than 90 percent as well.

In addition to the Constitution, elections to Uzbekistan's legislature are governed by the Law on Parliamentary Elections (adopted in 1993 and amended in 1997 and 1999). The right to nominate legislative candidates is reserved for registered political parties, the *veliat* (provincial) legislative councils, and the Karakalpakstan Parliament. Political parties are required to satisfy the additional condition of being registered with the Ministry of Justice no less than six months prior to an election and having collected 50,000 voter signatures in support of the party's participation. The law, as amended in 1997, also extends the right to nominate candidates to citizens who organize in groups of 100 or more from a single electoral district.

Members of the government (with the exception of ministers and the prime minister), judges, and the staff of the Office of the Prosecutor-General are eligible to run in legislative elections. However, members of the government, with the exception of *hokims* (the provincial heads of administration), must relinquish their official positions to take a seat in the Parliament. An election is considered valid if turnout exceeds 50 percent of eligible voters and if the winning candidate receives more than 50 percent of the vote. Otherwise, a runoff must be held.

Uzbekistan's most recent legislative elections took place on December 5, 1999, with voting occurring for 250 seats in the country's then unicameral Parliament. In 184 constituencies, one candidate received more than 50 percent of the vote in the first round and was elected to the Parliament. In 66 constituencies, no candidate was elected during the first round, with runoff elections taking place on December 19. Voter turnout was reportedly more than 95 percent. Genuine opposition candidates played no role, and international monitors deemed the elections seriously flawed.

Following the January 2002 referendum, the Parliament adopted a resolution outlining procedures for electing a new bicameral legislature in an election that currently is scheduled for December 2004. The Parliament, or lower legislative chamber, will consist of popularly elected deputies and function as a professional, full-time body. The Senate will consist of members of local councils and 16 "widely respected citizens" nominated by the president.

Provisions regulating the registration of political parties severely limit the development of new parties and circumscribe any real competition for political power. Registered parties are typically pro-government in their orientation. No party advocating fundamental change in the nature of society has been allowed to register since independence. The Law on

Parliamentary Elections establishes unequal conditions for the nomination of candidates, in effect creating three classes of candidates, each with different requirements. Candidates who are not nominated by legislative bodies face significant difficulty in collecting the required number of signatures to run unless they have the support of local authorities. They also encounter significant difficulty during the signature verification phase.

The dominant party in Uzbekistan is the pro-government People's Democratic Party (HDP), the successor to the Communist Party. Other registered parties include the Fatherland Progress Party, the Adolat Social Democratic Party, the Democratic National Rebirth Party, and the Self-Sacrificers Party. Although these parties typically have policy priorities they support, they do not seek to win control of the government. Functioning more as interest groups than as genuine, competing political parties, they help create a false sense of political pluralism in the country.

In sharp contrast, true opposition parties in Uzbekistan have not been allowed to register since independence and frequently are subject to harassment. In the early years of independence, the Ministry of Justice refused to register the Islamic Renaissance Party (IRP) and Adolat (not to be confused with the Adolat Social Democratic Party) on the grounds that their programs and ambitions violated the constitutional mandate on the separation of religion and state and the 1996 Law on Political Parties. Today, with these parties no longer functioning, Uzbekistan's most well-known opposition parties are Erk (Liberty) and Birlik (Unity). Neither group has ever been able to operate freely in Uzbekistan.

Although Erk was legally registered in 1991, just before the breakup of the USSR, the party's supporters have faced constant harassment from the government. Erk's leader, former presidential candidate Mohammad Solih, now lives in exile, having been accused of participation in a presidential assassination attempt and sentenced in absentia to 15 years in prison. Birlik, which has never succeeded in registering, had its efforts to do so dashed twice in 2003. Although the government, in an unprecedented move, allowed both Erk and Birlik to hold formal party meetings in 2003, its harassment of the country's political opposition has by no means ended. In fact, according to a May 26, 2003, report in the U.K.-based *Guardian* newspaper, there are an estimated "600 politically motivated arrests a year in Uzbekistan, and 6,500 political prisoners."

In 2003, several new parties announced their intentions to seek registration in advance of the December 2004 parliamentary elections. The Movement of Entrepreneurs and Businessmen—Liberal Democratic Party held its founding congress in Tashkent on October 5, 2003, and elected prominent Tashkent banker Qobiljon Tashmatov as its chairman. This pro-government party seeks to appeal to professional workers and persons with interests in private property, commerce, and farming. Two new opposition parties also announced their plans to pursue registration: the Party of Agrarians and Entrepreneurs (headed by human rights activist Marat Zahidov) and the Free Farmer Party.

Party membership in Uzbekistan is difficult to gauge, especially if one tries to assess membership in unregistered parties. The HDP claims membership between 300,000 and 400,000, and the Fatherland Progress Party declares that it has at least 35,000 members. These numbers are quite possibly inflated, with actual membership in most political organizations probably numbering in the low thousands.

While Uzbekistan is predominantly Uzbek in ethnic composition, the country is home to many minority groups. Of these, only the minority Karakalpakstan population enjoys formal guarantees of representation in the political system. Other minorities, including Tajiks, Kazakhs, Kyrgyz, Turkmen, and Russians, enjoy representation in countrywide political institutions but do not have separate party representation based on nationality or ethnicity. All ethnic groups are entitled to cultural self-identification, the use of their native language, and the right of association, but political organizations based on ethnic criteria are discouraged and none are registered as political parties.

Religious political opposition groups play an important role in Uzbekistan. The goal of the IRP, for instance, is to establish an Islamic state in Uzbekistan. The form of the state that this movement envisages more closely resembles the modern state of Pakistan than that of Iran or Saudi Arabia. Under the Pakistani model, the government has an obligation to uphold and preserve the Muslim style of life, and practices such as drinking, drug use, and prostitution are illegal. IRP supporters argue that an Islamic Uzbek state of this type would observe international standards of human rights, including the right to freedom of speech and religion as a matter of individual choice.

II. Civil Society

While the Uzbek Constitution and Uzbek laws guarantee the fundamental rights of freedoms of the country's citizens, including freedom of association, these rights are frequently compromised in practice. Unauthorized public meetings and demonstrations are banned, and police forcibly disrupt peaceful protests. The number of peaceful demonstrations on specific grievances increased during 2003. However, the government's negative treatment of civil society groups was generally unchanged.

The legal framework of the Uzbek state provides for a relationship between the individual and the state that emphasizes rights and responsibilities. The 1991 Law on Public Associations and the 1999 Law on Nongovernmental Organizations provide the operational framework for the state's regulation of citizen initiative. In addition, Article 29 of the Constitution guarantees the rights of freedom of speech, thought, and religion, while Articles 33 and 34 protect the rights of political participation and freedom of association. Article 56, however, limits the exercise of the right of association by noting that trade unions; political parties; scientific societies; women's, veterans', and youth leagues; professional associations; mass movements; and other organizations must be "registered in accordance with the procedure prescribed by law." Article 56 also prohibits associations that advocate political change by force or actions that would violate the sovereignty, territorial integrity, or security of the republic, as well as groups advocating war and social, national, racial, or religious hostility.

Overall, civil society in Uzbekistan lags far behind the standards for countries in similar stages of economic development. A "citizen subject" orientation rather than a "citizen participant" orientation combines with Soviet-era traditions of a single hierarchical social structure to produce effects that stifle independent citizen initiative. While many nongovernmental public service organizations have been officially recognized, the fact

remains that many government-approved nongovernmental organizations (NGOs) are indistinguishable from government-organized NGOs. The Ministry of Justice, for its part, favors direct government control over citizen initiative.

Under Uzbekistan law, civil society groups are required to register with the Ministry of Justice. Internationally sponsored organizations must register with the Ministry of Foreign Affairs. In December 2003, the Ministry of Foreign Affairs announced that international NGOs would be required to reregister with the Ministry of Justice by March 1, 2004. Although the government claimed this was a mere formality, many feared that it represented a crackdown on NGOs in advance of the 2004 parliamentary elections.

Unregistered organizations, including human rights groups, operate in the country as well. However, they generally do so at great risk. The Uzbek government has regularly refused to register some organizations, typically citing minor procedural issues rather than a substantive basis for the refusal. For instance, the Independent Human Rights Organization of Uzbekistan (IHROU) was denied registration for five years despite strenuous efforts to gain legal recognition. In March 2002, Uzbek authorities finally registered the IHROU, but the group's members are still routinely harassed by the Ministry of Internal Affairs. In March 2003, another Uzbek human rights organization, Ezgulik, was officially registered.

There are numerous types of civil society organizations in Uzbekistan. First, there are indigenous public service groups whose work is endorsed by the Uzbek government. The Union for Defense of the Aral and Amu-Darya, for example, focuses on the development of joint mechanisms for NGOs and the Uzbekistan government to ensure the implementation of environmental protection legislation. The Uzbek Federation of the Protection of Consumers Rights, another such group, aims to improve the range of free medical assistance available to Uzbek citizens. Other such groups include the Mahalla Foundation, the Association of the Disabled, and the Veterans' Fund "Nuroniy."

Second, there are so-called implementing organizations that receive funding from international donors to carry out the work of identifying and providing financial and technical support to domestic citizen initiatives. Some of the U.S.-sponsored implementing organizations include the Counterpart Consortium, the National Democratic Institute, the Initiative for Social Action and Renewal in Eurasia, the American Bar Association's Central and East European Law Initiative, and the International Foundation for Electoral Systems.

While Uzbek is the state language in Uzbekistan, there are no language requirements for citizenship. Uzbekistan's language law, which originally mandated that Uzbek would be the sole method of official communication by 1998, was subsequently modified to remove a specific implementation date. The government also began the process of replacing the Cyrillic alphabet with the Latin alphabet; however, realizing the difficulties for Uzbeks and minorities alike, the government delayed the full transition to both the Uzbek language and the Latin alphabet until 2005. Russian is spoken widely in the country's large cities, and the language law provides for Russian as "the language of interethnic communication." Tajik is used extensively as well, particularly in Samarkand and Bukhara.

Trade unions exist in Uzbekistan as an instrument of management rather than as a means of interest group-based collective bargaining. About 25 percent of the country's labor force is in the main trade union that is under the aegis of the Ministry of Labor. Farmers groups and

small-business associations also exist but are primarily mechanisms for the dissemination of information rather than interest promotion. Trade unions have not been allowed to play an active role as collective action bargaining institutions. However, the occurrence of two spontaneous strikes in 2003 suggested the first indications that this may be changing. On July 21, 2003, approximately 300 employees of a rubber plant in the industrial city of Angren struck in protest against unpaid wages. On August 11, 2003, roughly 4,000 workers from the Fergana Oil Refinery staged what was reported to be the largest mass protest in the country's history.

Colleges and universities fulfill primarily a pedagogical function and have not traditionally supported research institutes. Public policy research institutes associated with government agencies tend to facilitate rather than analyze government policy. A few externally sponsored think tanks, such as the Center for Economic Research sponsored by the United Nations Development Program, have acquired a reputation for professionalism, but even these institutions do not represent themselves as independent of government policy.

Uzbekistan's educational system is state supported, and universal primary education is guaranteed. State certification of educational content is carried out through the Ministry of Education. Higher education is also state supported, but it is not universal. While most students still rely on government support for higher education, an increasing proportion of students are enrolled in pay-for-service courses administered on a cost recovery basis. All institutions of higher learning must be registered by the state as not-for-profit organizations.

III. Independent Media

Uzbekistan is a severely restrictive political environment for the media. Although a decree of the Uzbek government officially eliminated state censorship in May 2002, it has done little, if anything, to create an environment in which open discussion and freedom of expression can take place in practice. Public criticism of the government remains limited. And self-censorship persists, maintained by fears of retaliation from the government if a journalist is accused of violating unwritten but widely understood canons of what is acceptable discussion and what is not. Journalists and investigative reporters have little guarantee of protection of their constitutionally mandated rights to freedom of speech and virtually no hope that professional organizations or trade unions can and will defend their journalistic independence.

The Uzbek government uses a variety of tactics to constrain independent journalism in the country, including the maintenance of a highly bureaucratic regulatory and distribution system and the use of intimidation and even prison sentences to inspire a culture of self-censorship. Under the country's highly bureaucratic annual "re-registration" process, all media organizations are required to reregister with the government. In 2003, the government refused to renew the registration of the Institute for War and Peace Reporting (IWPR), a London-based NGO dedicated to the training and protection of journalists in areas of real or potential conflict. In explaining its decision, the Uzbek government stated that the IWPR was engaged in journalism, not training. The Uzbek government also continued in 2003 to refuse to allow Radio Free Europe/Radio Liberty (RFE/RL) and the Voice of America

(VOA) to broadcast from within the country, despite the government's agreement with RFE/RL to allow this activity. The government has denied accreditation to RFE/RL and VOA journalists as well.

In addition to the annual reregistration process, the government uses a number of agencies and committees subordinate to the Cabinet of Ministers to control the work of journalists and to regulate the flow of information in the country. The State Press Committee and the Inter-Agency Coordination Committee together license and regulate the press. The State Communication Inspection Committee carries out annual inspections of media organizations.

Although Uzbek sustains between 30 and 40 privately owned television stations and 7 privately owned radio stations, the broadcast media market in Uzbekistan is dominated by 4 state-owned and -managed television channels. Likewise, Uzbekistan's 3 largest national daily newspapers, *Pravda Vostoka*, *Halq Sozi*, and *Narodnoe Slovo*, are owned by the government. The combined daily readership of these papers probably does not exceed 50,000, yet it is considerably greater than the estimated circulation of 3,000 copies for each of the country's 4 privately owned national newspapers, *Novosti Uzbekistana*, *Noviy Vek*, *Noviy Den*, and *Mohiyat*. Two other newspapers, *Novosti Nedelya* and *Vremya I Mi*, ceased circulation during 2003 for financial reasons.

The Uzbek government prohibits live television programming; all shows are prepared on tape. Government regulators say that the policy is intended to assure quality programming. Some broadcasters, however, feel that this is a mechanism for reserving the right to censor programming, which in turn encourages self-censorship.

The newspaper distribution system also remains under government control. There are several minor independent papers, particularly in Tashkent, that have a limited circulation and are available at some kiosks. However, these tend to be business-oriented papers and contain little or no investigative reporting on the political situation in the country. On occasion, illegal papers published by opposition groups in exile—usually based in Moscow or Istanbul—find their way into the country.

Another government tactic involves the use of laws on libel, public defamation of the president, and irresponsible journalism—all subject to financial penalties and possible imprisonment—to control the media in Uzbekistan. The 2003 case of journalist and human rights advocate Ruslan Sharipov highlighted the extent of the problem. According to the U.S.-based Committee to Protect Journalists, Sharipov, who is openly gay, was arrested, tried, and sentenced to prison in 2003 on charges of “sodomy, having sexual relations with minors, and managing prostitutes.” Although Sharipov reportedly pleaded guilty to sodomy, he claimed that the confession was induced through torture. Supporters of Shapiro believe the case was manufactured in retaliation for the journalist's reporting on human rights abuses in Uzbekistan. At year's end, the Committee to Protect Journalists reported that five journalists, including Sharipov, remained in Uzbekistan's prisons.

In 2003, the Ministry of Justice registered an independent journalists group called the Association of Foreign Correspondents. The purpose of the association is to provide mutual support to journalists covering human rights violations in Uzbekistan. However, it is

unlikely that the government will allow the group to function freely in practice and fulfill any meaningful function.

A 1999 decree required all Internet service providers to route connections through the government server Uzpak, allegedly to protect citizens from information that the government considers harmful. Nevertheless, since then private Internet providers have increased in number and have taken advantage of the technological ease with which they can circumvent the law. In October 2002, Uzbekistan abolished the state monopoly on Internet access. Uzbek law no longer requires users to access the Internet through the centralized state provider. The opposition parties Birlik, Erk, and the Party of Agrarians and Entrepreneurs operate Web sites to which the government sporadically blocks access.

IV. Governance

While on the surface Uzbekistan appears to be a relatively stable country, the actual situation with respect to political stability is much more tenuous, given the level of control exercised by the government over the media, civil society groups, public associations, and private enterprise. The incidence of violent crime and street crime are much lower than in neighboring countries. Officially reported approval ratings of the president and the government are high. Public demonstrations of dissatisfaction are rare; however, their number and intensity grew in 2003 indicating an increased willingness of civic actors to express their opinions more openly.

The executive and legislative bodies of the Uzbek government are representational rather than representative in character. Their chief function is to inform the public of decisions taken rather than to involve the public in their making. The Uzbek Constitution outlines the powers of the Parliament, calling it the political authority of the country, and charges it with initiating and passing legislation as well as executing policies through committee work. The Parliament meets on a regular basis—two times a year plus special sessions—and holds both public and closed sessions. Similar authority is given to the president—a fact that calls into question the actual powers of the legislature. In addition, the legislature spends most of its two sessions per year discussing and passing presidential proposals and decrees, further suggesting that it is not a true rule-making body, but rather a ceremonial institution.

In terms of territorial organization, Uzbekistan has a centralized political system of government, with ultimate authority resting at the national level. Within this system, there are 12 *veliets*, 1 autonomous republic, and 1 city government (Tashkent). The president has the power to appoint and dismiss the *hokims*, the highest executive officers in the *veliets*. All policies made and enforced at the *veliat* level must comply with national laws. This also holds true for policies made and enforced at the level of the Autonomous Republic of Karakalpakstan. *Hokims* serve at the pleasure of the president. In turn, local officials serve at the pleasure of the *hokims*.

Subnational political institutions below the *veliat* level are considered not part of the government as such, but rather as a sphere of “local control.” The *mahalla*, in particular, was identified in the 1992 Constitution as the elementary unit of political power, and the Law on Local Self-Government (adopted in 1993 and amended in 1999) defines its sphere of

influence and activity according to a community-based approach to public law and order. The *mahalla*'s novelty lies in its intensification of preventive measures in local communities and residential areas. This work is carried out by so-called prevention inspectors who combine the duties of neighborhood police officer, public health inspector, and good neighbor.

In a short period of time, *mahallas* have obtained an unprecedented level of autonomy. Throughout the country there are 8,043 *mahallas*, each typically consisting of 2,000 to 3,000 people. *Mahalla* leaders are elected on the principle of competitive elections with secret ballots. In December 2002, speaking on the occasion of the 10th anniversary of the Uzbek Constitution, President Karimov declared 2003 the "Year of the *Mahalla*" and vowed to take steps in 2003 to increase the status of the *mahalla* by expanding the scope of the legal authority of *mahalla* officials.

Uzbekistan's financial system is unitary. *Veliate*s and municipalities are responsible for collecting revenues (taxes and other mandatory payments), but expenditure decisions are made at the national level. Although few categories of legitimate own-source revenue are available to local officials for local policy programming, local officials wield exceptional interference powers. Lower-level bureaucrats, firms, and private parties that do not see eye to eye with local political officials find great difficulty in acquiring the government approvals, licenses, and permits needed to carry out their activities.

Official government positions are highly sought after. Professional institutions such as the Academy of Public Administration provide training in the theory and practice of government. However, the selection of government officials is not yet based on meritocracy. Top-down political pressure on the civil service continues to be seen as a mechanism to assure accountability. Moreover, there are frequent reports that the most sought-after civil service posts are routinely purchased rather than appointed. Although there are criminal penalties for such practices, there are few examples of prosecutions.

V. Constitutional, Legislative, and Judicial Framework

Adopted in 1992, Uzbekistan's Constitution consists of a preamble and 6 main divisions, including 26 chapters and a total of 128 articles dealing with the sovereignty of the republic, civil rights, the social contract, and the division of the government into legislative, executive, and judicial branches. The Constitution describes a secular, democratic state in which "the people are the sole source of state power" and in which the highest organ of power is the legislature. However, in practice the actual functioning of the government is better described as a unitary, presidential system in which the executive wields extensive authority over the other branches of government. This remained true even after the adoption in 2003 of a Constitutional amendment that formally reduced the powers of the president.

The Constitution also provides numerous rights guarantees, including freedom of speech, assembly, and religion; gender and ethnic equality; and property rights. However, these rights are frequently violated in practice. The year 2003 proved no exception, with the government continuing to commit serious abuses despite heightened international attention to human

rights practices in the country and promises by the regime to engage in a dialogue on improving its rights record.

During the year the government released five human rights activists who had been convicted and sentenced the previous year for violating laws on the circulation of so-called seditious literature and for taking part in unsanctioned public meetings. However, its overall treatment of opposition political activists and human rights defenders remained a serious problem. Testimony and reports indicated that police and security forces continued to torture, beat, and harass suspects and that security forces persisted in arbitrarily arresting or detaining pious Muslims and other citizens on false charges, frequently planting narcotics, weapons, or forbidden literature on them. There were also numerous reports of arbitrary arrests, illegal detentions, and torture of detainees in order to obtain confessions or incriminating statements.

A report released in April 2003 by the UN special rapporteur on torture, Theo van Boven, alleged that the use of torture in Uzbekistan's prisons was "institutionalized, systematic, and rampant." According to the U.S. State Department, the Uzbek government initially denied the charges but eventually acknowledged that serious abuses had occurred and that it would "use all the resources in its possession" to combat future abuses. The International Committee of the Red Cross had already begun an intensive regime of prison visits in September 2002, and as of December 2003 had conducted more than 30 visits to prisons and other detention facilities. In May 2003, the Uzbek government established an interagency committee, chaired by Akmal Saidov of the National Center for Human Rights, to develop an action plan for addressing the recommendations made by the UN special rapporteur. In September and October 2003, drafts of the action plan were circulated among foreign embassies and local and international NGOs. By year's end, though, no formal action plan had been adopted.

Also in 2003, Human Rights Watch documented numerous rights violations associated with the European Bank for Reconstruction and Development's decision to hold its annual meeting in Tashkent that June. According to the U.S.-based group, the Uzbek government employed numerous tactics—ranging from temporary detentions to house arrests to harassment and surveillance, both before and after the event—against human rights defenders who had been invited to participate in the meeting. In addition, the UN Human Rights Committee issued a statement in 2003 deploring the execution of six individuals for whom the committee had requested a stay of execution until an investigation could be conducted to determine the veracity of claims that they had been denied a fair trial. Acting High Commissioner for Human Rights Bertrand Ramcharan called the executions "a grave breach of Uzbekistan's obligations under the International Covenant on Civil and Political Rights."

Uzbekistan's three-tiered judicial system, subordinated to the Ministry of Justice, consists of the Constitutional Court, the Supreme Court, and the Supreme Economic Court. There is also an arbitration court of the Republic of Karakalpakstan. Judges are elected for five-year terms and, to avoid partisanship, may not belong to a political party. The procurator is responsible for public observance of the law. Procurators are appointed by the president and are restricted from any political or party activity. There are also local and neighborhood conflict resolution committees called *mahallas*.

The Uzbek criminal code has been revised on numerous occasions, usually with regard to its provisions on the death penalty. Although the code initially included 13 articles providing for capital punishment, 5 of these were removed in 1998. In October 2001, the government announced that Uzbekistan had amended the criminal code further to narrow the range of crimes punishable by the death penalty from eight to four. The death penalty now may apply only to crimes of first-degree murder and terrorism. The government also announced a reduction in prison terms and an increase in the number of offenses punishable by fines rather than prison sentences. In August 2003, the Uzbek Parliament amended the criminal code again, this time to more clearly define instances of official mistreatment. The Ministry of Internal Affairs and the Ministry of Justice also established internal human rights bodies to incorporate ethics issues into their internal decision making.

Public skepticism is widespread about whether criminal laws are fairly enforced and not susceptible to government influence. In particular, criminal law is being used to implicate religious believers outside the mainstream, independent journalists, and political opponents of the government. At the same time, President Karimov has sought to respond to international criticism and to gain domestic support by periodically issuing amnesties to prisoners. For instance, prior to his June 1996 visit to the United States, he released over 80 prisoners, including 2 political prisoners. In August 2001, over 400 Uzbek women whose relatives have been convicted of being members of the outlawed Islamic organization Hizb-ut-Tahrir appealed to Karimov to include their relatives in a forthcoming amnesty. At a parliamentary session in August 2001, Karimov appealed to the parliamentarians to pass an amnesty in commemoration of the 10th anniversary of Uzbekistan's declaration of independence. Most female convicts, invalids, persons suffering from serious diseases, men over 55, foreign nationals, and persons who were minors at the time of their sentence were eligible for release, with the exception of those convicted of murder, terrorism, drug trafficking, or crimes against the Constitution. In December 2003, in observance of the 11th anniversary of the Uzbek Constitution, an amnesty was announced that was said to release some 3,300 prisoners from imprisonment.

Search warrants are authorized and issued by provincial or local police, and there have been no successful challenges to their legality. The Constitution guarantees accused parties the right to a legal defense at all stages of investigation and judicial proceedings, yet prosecutors often wield a disproportionate amount of power and influence in court. Judicial decisions are routinely enforced.

Corruption among Uzbekistan's security forces remained a problem in 2003. Reports of police arbitrarily detaining and beating citizens to extort bribes, though fewer in number compared with previous years, were still routine. There also were reports that police routinely planted narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes.

Uzbek law specifies that police, Ministry of Internal Affairs investigators, and members of the procuracy may arrest a person suspected of committing a crime without formal charges being filed. However, a report showing the grounds for arrest must be drawn up immediately and forwarded to the Office of the Prosecutor-General. This initial period of arrest is limited to 72 hours, but the prosecutor has the discretion to extend it for up to 7 days. At the end of this period, the person must be officially declared a suspect and charged with a crime or

otherwise must be released. Once charges are filed, a suspect may be held at the prosecutor's discretion while an investigation is conducted. In practice, authorities frequently ignore these legal protections, and there is no judicial supervision of detention such as habeas corpus. Once charges are brought, suspects may be held in pretrial detention for up to a year. Persons under arrest have no access to a court to challenge the length or validity of pretrial detention.

Uzbek law requires that a medical examiner investigate every death in custody. However, it is possible for examiners' reports to circumvent this law by wrongly attributing the cause of death. In numerous cases, families were not advised of death until after the body had been buried, thereby making independent forensic investigation impossible. In 2003, the Uzbekistan government did not acknowledge any death in detention attributable to official mistreatment. In one case, that of Kamalodin Djumaniyozov, whose death in custody was attributed to suicide, the Uzbek government reported that officers were disciplined. However, the officers were punished for negligence, not for murder or assault. In late December 2003, the Office of the Prosecutor-General opened an official criminal investigation into the circumstances of Djumaniyozov's death.

VI. Corruption

Corruption in Uzbekistan is widespread, and financial disclosure and conflict-of-interest laws are underdeveloped. Ties between business and government regulators are seldom regimented by the legal system. Close public-private connections based on family, clan, and regional patronage networks evade the scrutiny of the legal system as well.

Highly politicized cases of corruption often involve vague violations of conflict of interest, financial reporting, and improper personal gain. Owing to the nature of the allegations and the lack of evidence, however, few of these cases are ever discussed openly in the press. The legislature has an auditing commission, but few public revelations of corruption have ever led to dismissals of high-ranking officials. Instead, anticorruption instruments are often used selectively to weed out political opponents and undesirables rather than to deter and punish those who actually benefit improperly from public office.

Official corruption within the Uzbek civil service is widely regarded as extensive. Civil service compensation is considered by many to be inadequate, and civil servants often cite the need to supplement their official salaries through illegal means. Uzbek citizens report that routine acts such as entering university, being admitted to the hospital, having a telephone installed, obtaining a business license, and applying for a passport or other official document are all subject to requests for bribes.

With a score of 2.4, Uzbekistan ranked 100th out of 133 countries in Transparency International's 2003 Corruption Perceptions Index. The index measures public perceptions of corruption in a numerical range from 10 ("highly clean") to 0 ("highly corrupt").