



# Attacking the Root Causes of Torture Poverty, Inequality and Violence

## An Interdisciplinary Study



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UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

## UZBEKISTAN

### Poverty, Inequality and Violence

### Excerpts from the Interdisciplinary Study

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## Introduction

The World Organisation Against Torture (OMCT) submits this report on poverty, inequality and violence to the European Parliament in connection with the Parliament's review of the sanctions against Uzbekistan and the EU-Uzbekistan Dialogue on Human Rights and because the situation of violations of human rights described in the attached report taken from *“Attacking the Root Causes of Torture, Poverty, Inequality and Violence: An interdisciplinary Study”* prepared by OMCT in 2005 does not appear to have notably improved.

### Poverty, Inequality and Violence in Uzbekistan; main points

The situation in Uzbekistan merited special attention because the clear warnings that the rise in poverty and inequality could lead to violence went unheeded, with the results we know today. Since 1991, Uzbekistan has embarked on the difficult transition away from a totalitarian system and a centralized economy, with little success. The evaluation describes a situation of increasing poverty and inequality (as compared to the Soviet era) that, combined with a blocked political system, offers little hope for change. This has caused growing social tension to which the government has responded with increasingly repressive measures that have pushed some people to violence.

The causal connection between government policies that fail to provide protection for economic and social rights and increasing violence was identified with clarity in a 2003 United Nations Development Group report<sup>1</sup>:

- *“The wealthier sectors of the population appear to have benefited disproportionately from the economic growth while other parts, notably the more vulnerable, have not benefited from growth and are burdened with most of the hardships resulting from the transition.”*
- *“The national authorities, international development practitioners and the economists have so far paid little attention to the social implications of the transition and have instead prioritized economic and institutional development, thus exacerbating existing political, institutional, and economic problems.”*
- *“...When social disparities become more pronounced, opportunities potentially exist for extremist groups to capitalize on the perception of growing inequality, as resentment about perceived social injustice blinds some to the shortcomings of alternatives. For example, Namangan province is often cited for its high number of sympathizers for radical Islamic movements, but support in this region may be rather the result of disappointment over socio-economic disenfranchisement than true passion for radical Islam.”*
- *“Sympathy for militants seems to be linked to the lack of possibilities to express discontent within the current institutional framework.”*

The first Uzbekistan case study deals with the situation of Uzbek workers forced by poverty to migrate to Tashkent (the capital). They are consequently subjected to exploitation and violence because, having no resident permit, they are considered as illegal residents in the city. The second deals with the economic and social causes of domestic violence. Both studies clearly confirm the relationship between violence and violations of economic, social, cultural, civil and political rights.

<sup>1</sup> United Nations Development Group (UNDG), "Common Country Assessment Uzbekistan 2003", [http://www.undg.org/documents/5479-Uzbekistan\\_CCA.pdf](http://www.undg.org/documents/5479-Uzbekistan_CCA.pdf), p. 19, pp. 43-45.

### ***The interdisciplinary study***

The annexed report is Chapter 8 of the OMCT publication “***Attacking the Root Causes of Torture, Poverty, Inequality and Violence: An interdisciplinary Study***”. That publication contains academic correlation analyses of socio-economic inequalities and violence (Part I), country evaluations and case studies from five countries (Part II) and a survey of the approaches adopted by selected international organizations (Part III).<sup>2</sup>

Part II presents in-depth analyses of the situation of human rights, poverty, inequality and violence in Argentina, Egypt, Nepal, South Africa and Uzbekistan together with six case studies examining in detail specific situations in which violence resulted from violations of economic, social and cultural rights. These analyses are based on voluminous reports prepared by OMCT’s national partner organisations and other relevant documentation.

The five countries examined are very different in their economic and social conditions and in relation to violence, but again, a number of conclusions converge. First, there is a causal connection between poverty, inequality, failures to protect economic and social rights and violence by the State, in the community and in the family. Second, inequality and poor economic and social conditions can fuel extremist elements and promote violence. Third, governmental decisions or failure to take decisions can be an underlining cause of deteriorating economic and social situations that are thus, in some measure, preventable.

The violence described in the five country profiles and in the case studies includes violent reactions by government and private actors to public protest demanding respect for economic, social and cultural rights; torture and ill-treatment; executions; disappearances; threats and intimidation; violent eviction from land; violence in the community and domestic violence. The following section provides a few highlights of the extensive information presented in the study.

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<sup>2</sup> The study was carried out by OMCT from 2003 to 2005, was part of the programme of the Geneva International Academic Network (GIAN) and was made possible through the financial support of the GIAN, the Dutch Foundation ICCO (Interchurch Organisation for Development Cooperation), the *Fondtion des Droits de l’Homme au Travail* and the Swiss Agency for Development and Cooperation. It may be ordered in printed form or on CD-ROM from The World Organisation Against Torture (OMCT) at the postal address indicated below, by e-mail [omct@omct.org](mailto:omct@omct.org) and may also be downloaded from the OMCT website [www.omct.org](http://www.omct.org).

## Chapter 8

### Uzbekistan: country profile and case studies<sup>3</sup>

#### 8.1 Political, economic and social overview<sup>4</sup>

##### *Geography and population*

The Republic of Uzbekistan occupies an extensive area of 447,400 sq. km in the heart of Central Asia, for the most part between the rivers Amudarya and Syrdarya. In the north and north-west it is bordered by Kazakhstan, in the north-east by Kyrgyzstan, in the south-east by Tajikistan, in the south by Afghanistan and in the south-west by Turkmenistan. Its geographical features are typical of a region of steppe, desert and semi-desert, while in the east Uzbekistan abuts upon the spurs of the Pamir-Alai mountain range. The country finds itself in a strategic geopolitical situation as it shares common borders with the civil war affected countries of Afghanistan and Tajikistan which presents special security and human rights challenges, in particular in the post 11 September 2001 “war against terrorism”.<sup>5</sup>

Uzbekistan has a population of 25 million; 80 percent of the population is Uzbek, with the remaining made up of Tajiks (4.5 percent), Kazakhs (3.8 percent), Russians (3.8 percent), Tartars (2.5 percent), Karakalpaks (1.9 percent), Kirghises (1.5 percent), Ukrainians (1.2 percent) and Koreans (0.9 percent). 37 percent of the population is urban with 63 percent living in rural areas. Some 88 percent of the population is Muslim (mostly Sunni), 9 percent is Russian Orthodox and other faiths account for the remaining 3 percent.<sup>6</sup>

##### *Constitution*

In 1924 the Uzbek Soviet Socialist Republic was established as part of the Soviet Union. During the Soviet era, despite assistance provided by the central authorities for the development of industry, science, culture and education, Uzbekistan remained an appendage of the Soviet Union, supplying farm products and raw materials. The constantly rising state targets for cotton output led to the complete exhaustion of the fertile Uzbek soils. The single communist ideology, under which heterodox views were not allowed, delayed for many years the development of Uzbek culture, traditions and language.

In the context of the disintegration of the Soviet Union, on 31 August 1991 Uzbekistan was declared an independent State. Uzbekistan’s current administrative and geographical divisions consist in 12 *viloyats* and the Republic of Karakalpakstan.

The President is head of State and head of the executive, and is elected for a term of seven years on the basis of universal, equal and direct suffrage by secret ballot. The powers of the

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<sup>3</sup> Prepared by the editor on the basis of the General Evaluation Report, 2004 from the Legal Aid Society (Uzbekistan) (hereinafter LAS Report) and other documents including OMCT and LAS, *Uzbekistan : Violence, Repression and Denial of Economic, Social and Cultural Rights*, Geneva, May 2002, (herein after OMCT and LAS), “State Violence in Uzbekistan, An Alternative Report to the United Nations Human Rights Committee”, OMCT, Tashkent Women’s Resource Centre, Legal Aid Society and Initiative Youth Group “Orzu”, Tashkent and Geneva, February 2005, (hereinafter OMCT et al., 2005). Particularly pertinent was the information and analysis in the Common Country Assessments by the United Nations Development Group, [www.undg.org](http://www.undg.org).

<sup>4</sup> Human Rights Core Document, Uzbekistan, HRI/CORE/1/Add. 129 (hereinafter HRI/CORE) page 4-12.

<sup>5</sup> United Nations Development Group, *Common Country Assessment Uzbekistan 2003*, (hereinafter UNDG, 2003) pages 9 and 41-42.

<sup>6</sup> OMCT and LAS, *Uzbekistan : Violence, Repression and Denial of Economic, Social and Cultural Rights*, Geneva, May 2002 (hereinafter OMCT and LAS 2002), page 4 citing UNDP Uzbekistan Country Information, 2002.

President under the Constitution are extensive. He acts as guarantor of human rights and respect for the Constitution, represents Uzbekistan in international relations, concludes international agreements and treaties and ensures that they are complied with, forms the administration and leads it, signs laws, serves as Supreme Commander-in-Chief, etc.

Executive authority is exercised by the Cabinet of Ministers, which is formed by the President and approved by the Oliy Majlis (parliament). The Cabinet of Ministers consists of the Prime Minister, his deputies, ministers and chairs of State committees. The head of the Government of Karakalpakstan is an ex officio member of the Cabinet of Ministers.

The highest State representative body is the Oliy Majlis, which exercises legislative power (Constitution, art. 76) in two chambers, the Senate and the Legislative Chamber. The latter consists of 120 deputies, elected from geographical constituencies in multiparty elections. The Senate is the chamber in which the various parts of the country are represented. The Legislative Chamber and Senate of the Oliy Majlis are vested with authority for a term of five years.

The judicial system in Uzbekistan consists of the Constitutional Court, the Supreme Court, the Higher Economic Court, the Supreme Courts of Karakalpakstan for civil and criminal matters, and the Economic Court of Karakalpakstan, which are elected for a term of five years, as well as *viloyat* courts. In addition there are the Tashkent city civil and criminal courts, inter-district, district and city civil and criminal courts, military courts and economic courts appointed for the same term (Constitution, art. 107). The President nominates the judges of the Supreme Court for 5 years, but they are not guaranteed to stay for the whole period.<sup>7</sup>

### *Political transition*

Political reforms and the transition from the single party communist regime towards democracy and the rule of law have been major challenges since independence.

In 2000, the President was re-elected with 91.9 percent of the votes and the OSCE expressed its reservations about the electoral process. Moreover, in the 1999 parliamentary elections, the political parties offered no genuine alternative to the electorate.<sup>8</sup> In 2000, the OSCE Office for Democratic Institutions stated:

...during the pre-election phase, individuals, groups, political parties and non-governmental organisations that oppose the government could not freely associate, present their views and take part in the political and electoral process". Moreover, "The executive power, in particular through its local branches, unduly interfered with the election process. The Khokims (governors and mayors), having both legislative and executive powers, and Khokimats (executive apparatus) at regional, district and city levels were heavily involved in and exercised overwhelming influence on the electoral process, including a key role in the nomination of candidates and the conduct of the elections."<sup>9</sup>

### *Corruption*

Corruption is a factor significantly affecting the enjoyment of human rights, as both international and local bodies have pointed out:

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<sup>7</sup> Legal Aid Society (Uzbekistan), General Evaluation Report, (hereinafter LAS Report), page 11.

<sup>8</sup> LAS Report, page 7.

<sup>9</sup> OSCE, *Final report of the OSCE/ODIHR Limited Election Assessment Mission on parliamentary elections in the Republic of Uzbekistan*, Office for Democratic Institutions and Human Rights, Warsaw, 28 April 2000.

Historically, Uzbekistan's political elite has relied on strong relationships of patronage, clan and family and despite Soviet attempts to impose a new national identity, regional alliances (clan identity) remained and remain to this day a significant factor in social relations. Political control or access to economic resources is strongly dependent on regional alliances, which often prevail over all-Uzbek ethnic identity. A network of regional and political interests intersects with industrial and commercial interests to reinforce the stability of the state. Preserving the balance among regional and political alliances is crucial to maintain political and social stability.... Modern Uzbekistan inherited a complex bureaucratic system from the Soviet Union that aimed to replace local networks of family and clan contacts. In Central Asia, the state was de facto a system of social networks based upon political status, around which the economy revolved and functioned and in which the formal and informal economies complemented each other. Corruption also served to 'regulate' the usage of central subsidies for local purposes rather than for central ones. The roots of corruption run deep in the social fabric of the region. The government views corruption and organised crime as serious threats to national security as they hinder the economic and democratic transformation of the society."<sup>10</sup>

Corruption in Uzbekistan is a serious problem, as in many other CIS countries. Uzbekistan scored 2.9 in Transparency International's 2002 Corruption Perceptions Index, ranked 61 out of 102 countries. This was a slight improvement over the 2001 score of 2.7, which placed it 71 out of 91 countries. With these scores, Uzbekistan was placed higher in the ranking table than Kazakhstan and Russia, but far below most countries in Eastern Europe.<sup>11</sup>

Politically, Uzbekistan has not refused from the old soviet system of management, and in the contrary made it even more rigid and corrupted then in comparison to the soviet times. Indeed modest demands of communistic bosses substituted by the new horrible alliances of authority and business. Participation of public officials in some business and control over them make it untouchable to law enforcement, fiscal or other control agency. At the same time, such businesses enjoy unbelievable preferences and enrich the government officials having only self interests in the government rather then to serve to public interests.<sup>12</sup>

### *Economic transition*

In explaining developments in Uzbekistan, the United Nations Development Group Common Country Assessment stated that:

when the centrally planned economy of the Soviet Union collapsed in 1991, a world system dissolved and became irrelevant. The transition to a market economy has been characterised in all ex-Soviet countries by dramatic declines in income and employment, the reappearance of long-forgotten diseases, growing poverty and inequalities, as well as great uncertainties. The persistence and deepening of poverty since the collapse of the Soviet Union have contributed to a profound shift in perceptions about economic and social reality. The stability and security that people had enjoyed was gone, causing unprecedented levels of social and economic stress. The transition has been compared by many to the period that followed the two World Wars or the Great Depression of the 1930s.<sup>13</sup>

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<sup>10</sup> UNDG, 2003, page 38 and 42.

<sup>11</sup> European Bank for Reconstruction and Development, *Country Strategy Uzbekistan*, (hereinafter EBRD), page 19.

<sup>12</sup> LAS Report, page 4.

<sup>13</sup> UNDG, 2003, page 11.

In 1991, the consumption based Gini coefficient (the standard measure of inequality) was 0.26, considerably lower than the UK's (at 0.35) and the US's (at 0.43). The system guaranteed basic human security, through economic and social entitlements such as full, lifetime employment; cash incomes were low but stable and secure; and female labour participation among women was high. The State also provided women with significant benefits such as maternity leave for up to three years, pension entitlements and early retirement for those who had five or more children.<sup>14</sup>

Since gaining independence in 1991, Uzbekistan has pursued a course of extensive economic reform towards a market-oriented economy. The Government's commitment to a gradual transition to a free market economy is reflected in the Constitution, whose article 53 guarantees "freedom of economic activity, entrepreneurship and labour with due regard for the priority of consumers' rights, as well as equality and protection of all forms of legal ownership".<sup>15</sup>

Although these achievements are remarkable, particularly compared to those of many other transition economies, the country's growth is nevertheless increasingly jeopardised by rising income inequality, an increase in poverty, and underemployment. Indeed, the economic reforms have been carried out in a manner that serves the financial and economic interests of the authorities, which retain a widespread control over the whole economy. In general, the authorities have been unable to cope with the economic and social deterioration. It appears that the macroeconomic policies pursued so far may have come at a price ... the poor may be paying most of this price and missing out on the benefits of economic growth.<sup>16</sup>

10-15 years ago, three distinguishable social classes formed the bulk of the Uzbek socio-economic strata (the poor, the middle class and the rich) with the middle class comprising 80 to 85 percent of the population. Recent interviews reveal that today the socio-economic strata includes some new categories of the "very rich" and the "destitute" and that the former middle class, including doctors, teachers, scientists and employees of enterprises are thrown into poverty.<sup>17</sup>

### *Poverty*

By 2002, an estimated 27.5 percent of the population lived below the poverty line. Approximately one third of all poor households could be classified as extremely poor, exposing them to the risk of chronic malnutrition. There were significant regional differences in the nutritional and educational status of women and children from poor and rural households.<sup>18</sup> The decline in the level of government services such as childcare, health and education after the independence renders the experience of poverty far worse than during the Soviet period.<sup>19</sup>

Households with unemployed heads are more likely to be poor. However, but employment does not guarantee protection from poverty, as wages are often unpaid, delayed or paid in kind. Those who work in the largely unregulated informal sector are particularly vulnerable to poverty. They tend to have less stable employment, less access to benefits and lower paid jobs. Pregnant women and those with small children, the disabled and those in remote areas are especially insecure. Approximately 35 percent of the population is likely to be poor and 58

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<sup>14</sup> UNDG, 2003, page 9.

<sup>15</sup> OMCT and LAS, 2002, page 5.

<sup>16</sup> UNDG, 2003, pages 14 - 15.

<sup>17</sup> OMCT and LAS, 2002, page 6.

<sup>18</sup> UNDG, 2003, page 17.

<sup>19</sup> OMCT and LAS, 2002, page 6.

percent to be extremely poor in rural areas and this is where 63 percent of the population of Uzbekistan lives. The poor are disproportionately found in the agricultural sector.<sup>20</sup>

### *Inequality*<sup>21</sup>

Inequality is rising and follows regional, ethnic and groups lines. The 2001 UNDP Human Development Report shows that the poorest 20 percent of the population only own 7.4 percent of the national income, while the richest 20 percent own 40.9 percent. Central Asians who represent about 79 percent of the population are 92 percent of those living in poverty, while the Slavs make up 16 percent of the population and only 4 percent of the poor.

Poverty is also much higher in the predominantly rural regions of the Ferghana Valley and the Karakalpakstan and Surkhandarya regions than in the city of Tashkent. In 1998, 47 percent of the rural population in the Ferghana valley and 70 percent of the rural Karakalpakstan were considered poor, compared to 10 percent of urban Tashkent. Similarly, the average per capita income in Tashkent city is 4.2 times the level of the rural region of Surkhandarya. Consumption of meat and dairy produce is also higher in Tashkent city than in the region of Surkhandarya.

In 1996, the average monthly wage of an agricultural worker was only 54.2 percent of the average national wage, and only 41 percent and 29 percent of wages in the industrial and construction/communication sectors respectively.

Finally, the regional distribution of social assistance also indicates the areas of greatest need. For instance, the largest number of families receiving social assistance in 1997 was in the rural Karakalpakstan and Surkhandarya regions, where 49 percent of families received some assistance compared to 28 percent of families in the region of Bukhara and 31 percent in Tashkent.

### *The danger of making poverty permanent*

The danger for Uzbekistan is that the temporary poor of today may become the permanent poor of tomorrow, making it more difficult to bring them out of poverty.<sup>22</sup>

Uzbekistan's poor tend to have relatively high levels of education and own assets such as land or the house in which they live. However, these assets, largely accumulated during the Soviet period, will eventually disappear if the low-income status of the poor persists, whilst past educational achievements may become progressively irrelevant to the needs of a new society.

The national authorities, international development practitioners and the economists have so far paid little attention to the social implications of the transition and have instead prioritised economic and institutional development, thus exacerbating existing political, institutional, and economic problems. However, economic growth can reduce poverty only when accompanied by social development and governance reforms. Therefore policies which will be beneficial for Uzbekistan include those that promote labour intensive growth and employment, especially in the agricultural and private sectors, paying particular attention to regional, gender based and ethnic inequalities. Judicious investments in and protection of human capital

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<sup>20</sup> UNDG, 2003, pages 17 - 18.

<sup>21</sup> OMCT and LAS, 2002, page 7.

<sup>22</sup> UNDP and Centre for Economic Research (2003) "*Linking Macro-economic Policy to Poverty Reduction in Uzbekistan*".

can minimise the social costs of transition and increase access to quality health, education services and social protection, thereby making them more affordable.<sup>23</sup>

## 8.2 The human rights framework

### *Constitutional, legal and institutional aspects*

The 1992 Constitution of Uzbekistan provides that “all citizens of the Republic of Uzbekistan shall have equal rights and freedoms, and shall be equal before the law, without discrimination by sex, race, nationality, language, religion, social origin, convictions, individual and social status” (article 18); and that “the state shall safeguard the rights and freedoms of citizens proclaimed by the Constitution and laws” (article 43). In addition, international treaties take priority over national legislation, which has been welcomed by the Human Rights Committee. Uzbekistan is a member of the United Nations and has ratified the six principal United Nations human rights instruments; the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Optional Protocol to that Covenant, the International Convention on the Elimination of All forms of Racial Discrimination, the Convention on the Elimination of Discrimination Against Women, the Convention on the Rights of the Child and the Convention Against Torture. However, a number of domestic legal provisions limit the enjoyment of human rights, including provisions relating to states of emergency, anti-terror legislation, amnesty laws and pardons, and statutes of limitation regarding torture and violations of the right to life.<sup>24</sup>

### *The judiciary*

The independence of the judiciary, although guaranteed in theory in the Constitution<sup>25</sup>, is considered a serious problem. The judiciary still does not operate independently from the executive branch. Judges have limited terms of office, receive low salaries and are usually overloaded, thus increasing the risk of lack of independence and corruption.<sup>26</sup>

Failure to respect human rights in criminal investigations and during trials is of concern to United Nations Human Rights bodies and non-governmental organisations alike:

The combination of a lack of respect for the principle of presumption of innocence despite being guaranteed by the Constitution (art. 25) and the CPC (art. 23), the discretionary powers of the investigators and procurators with respect to access to detainees by legal counsel and relatives, as well as the lack of independence of the judiciary and allegedly rampant corruption in the judiciary and law enforcement agencies, are believed to be conducive to the use of illegal methods of investigation.<sup>27</sup>

By law, individuals have access to a lawyer at the time of arrest but this right is often not granted in practice, and the important safeguard of immediate access after arrest to independent counsel, a doctor or medical examiner and family members is inadequately protected.<sup>28</sup>

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<sup>23</sup> UNDG, 2003, pages 7 and 19.

<sup>24</sup> OMCT et al., 2005, pages 10 – 12.

<sup>25</sup> HRI/CORE, para. 36.

<sup>26</sup> EBRD, page 1.

<sup>27</sup> Report of the Special Rapporteur on Torture, E/CN.4/2003/68/Add.2, para. 66.

<sup>28</sup> Human Rights Committee, Concluding Observations on Uzbekistan (2005), CCPR/CO/83/UZB, para. 22, and Committee Against Torture, Concluding Observations, Uzbekistan, CAT/C/CR/28/7 para.5.

Other serious failures of the judicial system include the absence or low quality of the legal representation provided by the state for poor defendants; state-provided council showing little interest in the case and reportedly often act in the interests of the state; and judges giving no weight to denial of an access to attorney by the prosecution in pre-trial investigation.<sup>29</sup>

Legal assistance to indigent defendants is both professionally and financially unattractive to lawyers. As a result, lawyers assigned to indigent defendants are usually young lawyers who have just graduated from law school or low qualified lawyers having no professional success in carrier. In fact, these people accept to undertake the defense just to gain professional experience...but the quality of service is very poor. In many cases indigent people were left without legal assistance.<sup>30</sup>

LAS also reports that investigators have close links to certain attorneys who are ready to represent detainees “just for the purpose of formal compliance ...without the will to do the real job.

This state of affairs influences the access of citizens to justice, diminishing their confidence in the institutions and limits the provision of effective legal aid to the poor. In domestic violence, for example, there is a general lack of responsiveness regarding crimes against women and although laws exist, they are rarely implemented or invoked by the citizens for their own benefit.<sup>31</sup>

#### *Local governing councils: Mahallas and human rights*

The *Mahallas*, or local governing councils, are the traditional mechanisms for local self-rule but are not considered part of government. Since independence, *Mahallas* have been given increasing responsibilities by the Government for the channelling of social assistance. The network of *Mahallas* is central to the government’s vision of decentralisation of power and community development. It encourages participation by communities in addressing social issues at local levels.<sup>32</sup>

*Mahallas* are organised around social events and Islamic rituals and are managed by elders. *Mahalla* meetings provide advice, resolution of problems among neighbours and other issues of community life. There are now approximately 12,000 *Mahallas* in Uzbekistan, each containing between 150 and 1,500 households.<sup>33</sup> Few *Mahallas* are headed by women.<sup>34</sup>

*Impact on human rights of the Mahallas* are organised so as to make everyone living in the neighbourhood dependent on them. The *Mahallas* are stronger in rural areas than in the cities. In rural areas, the archaic nature of society, where simple survival requires mutual help, makes the individual dependent on the decisions of the majority. In the cities and big towns, economic independence and the ability to live independently reduces the importance and power of the *Mahallas*.<sup>35</sup>

There are now concerns that *Mahallas* are operating in non-transparent and undemocratic ways, for example, in showing favouritism towards ethnic Uzbek households. *They* have also taken an active roll in the campaign against Muslims, by carrying out surveillance functions

<sup>29</sup> OMCT et al., 2005page 38-41.

<sup>30</sup> LAS Report, page 41.

<sup>31</sup> UNDG, 2003, page 39.

<sup>32</sup> UNDG, 2003, page 38.

<sup>33</sup> LAS Report, page 61 citing HRW “From house to house” abuses by *Mahalla* committees.

<sup>34</sup> UNDG, 2003, page 38.

<sup>35</sup> LAS Report, page 62.

and cooperating with law enforcement agencies. In addition, *Mahallas* actively participate in fulfilling the Government's policy relating to the family, even when these policies fail to protect victims of domestic violence, which may last for months or years before the *Mahalla* committee will refer the case to the police or allow the victim to divorce. *Mahallas* were also involved, together with the law enforcement agencies, in the forced resettlement campaign, carried out in the year 2000 through 2001, when about 4,000 people of Surkhandariya province, were forcibly resettled to the deserted areas about 250 kilometers away.<sup>36</sup>

*Mahallas* play an important role at the local level in all matters of family law and protection of children, including juvenile with a disquieting lack of information on their role in the implementation of the general principles of the Convention on the Rights of the Child. The Committee on the Rights of the Child thus asked the Government to educate *Mahalla* committees on the principles and provisions of the Convention, to ensure that those principles and provisions are reflected in the decision-making procedures of these committees; and to include in its next report information on the activities of these committees, not only in areas relating to family law and juvenile justice, but also in the distribution of financial assistance.<sup>37</sup>

The Committee on the Elimination of Discrimination against Women recommended that the Government organise training on gender issues for all public officials, in particular law enforcement officials and the judiciary, as well as for members of *khokims'* offices at all levels and the local *Mahallas*, to educate them about all forms of violence against women and girls.<sup>38</sup>

#### *National human rights institutions*

Uzbekistan has established institutions aimed at promoting human rights including the National Human Rights Centre, the Ombudsman, the Institute for Monitoring Current Legislation and the Commission for the Observance of Citizen's Rights. However, the effectiveness of these institutions has been criticised. The inactivity and pro-government policy of the human rights commissioner renders the activity of the Ombudsman declarative and insignificant for adequate human rights protection. The National Human Rights Centre is also more of a declarative institution, supporting state interests rather than those of individuals.

...none of these institutions is entirely independent of the executive branch of government and that their investigative powers do not seem to allow them to take adequate steps to resolve complaints brought before them.<sup>39</sup>

The majority of positive developments in the sphere of human rights cannot be accredited to the activity of the Centre or the Ombudsman but to the activity of international non-governmental and governmental organisations as well as to governments of developed democracies.<sup>40</sup>

#### *NGOs and human rights defenders*

<sup>36</sup> LAS Report, page 63, citing HRW "From house to house".

<sup>37</sup> CRC/C/15/Add. 167, paras. 24 - 25.

<sup>38</sup> A/56/38, para. 169.

<sup>39</sup> OMCT et al., 2005 page 16, quoting the Human Rights Committee's Concluding Observations on Uzbekistan CCPR/CO/71/UZB, 26 April 2001, para. 28.

<sup>40</sup> OMCT et al., 2005 pages 16 – 18 and UNDG, 2003, page 40 and HRI/CORE.

The situation of human rights non-governmental organisations and other human rights defenders is of concern.<sup>41</sup> Relations between the State and NGOs are confrontational, because NGOs consider that officials would like to take NGOs under control and officials consider that independent NGOs activities promote “Western orders”.<sup>42</sup>

Total police and security control over public and private matters justified by the fight with terrorism and terrorism financing has resulted in excessive intrusion of governmental agencies into private life of citizens. The voice of concern raised by independent groups and NGOs is being considered as anti-patriotic (let alone anti-constitutional) or opportunistic behavior. This situation clearly evidences absence of effective dialogue between the State Party and national Human Rights NGOs. Being anxious and irritated by the “revolution of rose” in Georgia and “orange revolution” in Ukraine where decisive role was played by local and international NGOs, the Uzbek government tightened its grip on civil society in 2004 by extending to international nongovernmental organisations (NGOs) many of the repressive tactics it has used against local NGOs...Uzbek Criminal Code criminalises certain behavior of citizens as it relates to the right to assembly. These articles are so broadly phrased that they serve as the repellent provisions to restrict and obscure any meeting not authorised by state and local agencies. Other articles were amended to oppress existing social society institutions such as local NGOs. New editions of articles for treason and espionage have been tailored as to restrict free movement of information on human rights abuses to foreign organisations.<sup>43</sup>

The Government has taken a series of restrictive measures in order to keep tight control over the activity of foreign and local NGOs and to human right defenders acting through NGOs. In 2004, a decree was issued that ordered the transfer of all NGO funds received from international grants to the Uzbekistan National Bank or Asaka Bank, ostensibly in order to crack down on money laundering. In effect, this decree implies freezing of NGO funds, as they now have to obtain permission from government committees in order to access their funds and that permission is not forthcoming. Normally the funds have simply been returned to the donors unused. Other decrees in 2004 required the licensing of educational programmes, including those of NGOs; required women’s NGOs to apply for re-registration under the patronage of the Women’s Committee of the Republic of Uzbekistan, thus expanding the influence of the Government; and required all NGO publications to obtain a license from the Government.<sup>44</sup>

In 2004, the Government introduced burdensome new registration and reporting procedures for international NGOs to obtain “consent” from the Ministry of Justice (MOJ) on the content, agenda, timing and place of any activity, and to invite MOJ officials to attend. The Government denied the re-registration application of the local representative office of the Open Society Institute, which provided vital support for civil society groups, and suspended the activities of the local affiliate of the media-support organisation Internews for six-months for alleged minor administrative violations.<sup>45</sup>

The MOJ prohibited the forum of NGOs dedicated to celebrate International Women’s Day (March 8) in 2004 under the pretext that the organiser was an NGO registered as a city NGO; otherwise the Ministry of Justice would limit the number of the participants of NGOs meetings. The obligation that NGO submit a request to the executive authorities for

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<sup>41</sup> CCPR/CO/71/UZB, 26 April 2001, C. Principal subjects of concern and recommendations, para. 22

<sup>42</sup> OMCT et al., page 52.

<sup>43</sup> OMCT et al., page 22.

<sup>44</sup> OMCT et al., 2005, pages 22 – 23.

<sup>45</sup> OMCT et al., 2005, pages 51 – 52.

conducting an event was reintroduced. Grass-root NGOs must also receive permission from the local administration for collecting target groups and holding workshops or other activities at Universities, *Mahallas* and colleges and should present their programme and materials to the executive authorities. The Ministry considers that the activity of grass-root NGOs should be geographically limited: town NGOs should work only in town, not in districts or at the national level. Only national NGOs which have branches in the provinces can work at the national level. Most grass-root NGOs have no opportunity to organise branches in provinces due to a lack of funds.<sup>46</sup>

A number of steps by the Government in favour of human rights have been reported: lifting of censorship, lifting restrictions on internet access, the registration of several human rights organisations, and long prison sentences given to several law enforcement officials found guilty of torturing prisoners,<sup>47</sup> an invitation to the UN Special Rapporteur on Torture, the registration of the Independent Human Rights Organisation of Uzbekistan, the opening of an office of Freedom house and the hosting of the Fourth Central Asia Media Conference in cooperation with the OSCE.<sup>48</sup>

In spite of these steps, human rights violations continue to take place and the situation with regard to the rule of law and human rights remains difficult, including for human rights NGOs and human rights defenders.<sup>49</sup>

There is a need to give increased attention to economic, social and cultural rights and the fight against discrimination against women. In Uzbekistan, attention to human rights has focused largely on the International Covenant on Civil and Political Rights. Other rights, primarily those enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), have received inadequate attention by the Government, as well as by human rights and development organisations. “Therefore, every effort must be made to consider all ‘rights’, define strategic choices and overcome a series of policy and doctrinal issues to ensure that human rights are respected and protected by the Government of Uzbekistan.”<sup>50</sup>

### **8.3 Transition and economic, social and cultural rights**

#### *Education*

The Constitution and laws of Uzbekistan provide for the right to education and free primary education. The transition to the market economy involved a new curricula, new teaching methods, professional qualifications and employable skills. In 1997, the Parliament of Uzbekistan adopted a new Law on Education and approved a new strategic National Programme on Personnel Training.<sup>51</sup>

The gross primary school enrolment ratio since independence, has displayed a slight increase during the 1990s, rising from 82 percent for males and 81 percent for females in 1990 to 86 percent for males and 85 percent for females in 1999. However, the transition period has seen difficulties, with a decrease of public expenditure in education 9.2 percent of GNP in 1987 to

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<sup>46</sup> OMCT et al., 2005, pages 21 - 24, and 52 – 51.

<sup>47</sup> UNDG, 2003, page 40.

<sup>48</sup> European Bank for Reconstruction and Development, *Uzbekistan Strategy*, Annex 1.

<sup>49</sup> OMCT et al., 2005, pages 21 – 24.

<sup>50</sup> UNDG, 2003, page 41.

<sup>51</sup> OMCT and LAS, 2002, pages 21 – 23.

7.7 percent in 1997. Public expenditure on educational structure has also diminished as a proportion of GDP for procurement of equipment, technical supply and maintenance from 0.32 percent to 0.25 percent.<sup>52</sup>

Although the law stipulates that primary education shall be free of charge, informal costs are frequent as parents have generally to pay fees to repair the school premises and for school material. Moreover, financial constraints and an overall decrease in family income constitute, today, the main factors preventing children from attending educational institutions, including primary ones. Indeed, the number of children who drop out of school and start working in order to provide an additional source of income for their families has considerably risen. Official statistics on this do not exist but the phenomenon can be clearly observed all over the country. Finally many children do not attend school during the cotton harvest period.<sup>53</sup>

Another matter of concern is access to pre-school education. Due to the increase of the pre-school fees, which are now the equivalent of 50 percent of the minimum salary, along with the overall decline in family income, the number of children attending pre-school education dropped from 30 percent in 1992 to 16 percent in 1998. Practically speaking, more than three million children are not attending pre-schools. There is therefore a considerable gap between the educational level of first grade children who have attended pre-schools and those who have not. This situation tends to affect rural children particularly. Indeed, due to the difficult financial conditions of the rural families, only one in ten children in the rural areas has a chance of attending a pre-school institution.<sup>54</sup>

The public education system faces several constraints that have a direct impact on the quality of education received by children, especially at the primary level: low wages, lack of qualified personnel, poor infrastructure and insufficient schoolbooks and basic material are but some. This situation is particularly felt in rural areas of the country.<sup>55</sup> For instance, in 2001, the monthly average salary of a teacher amounted to 13700 Soms (approximately US\$20). As the majority of teachers have a pedagogical specialisation, the low level of wages they receive tends to steer them towards more attractive and better-paid employment. As a result, there is today a lack of highly skilled staff in public education institutions. The low wages also often imply that the teachers supplement their salary by accepting bribes from students in exchange for good marks and diplomas. Thus students practically do not have to study in order to learn and basically do not receive any real education at school. This phenomenon appears to be common and widespread in Uzbekistan.<sup>56</sup>

Despite the constitutional guarantee on non-discrimination, discrimination against Muslims is more and more frequent in schools because of their religious attire. Most of those expelled were girls. Thus, the mother of a primary school student reported that her daughter and a niece, aged eight and nine, attended school each day wearing white headscarves, with their faces uncovered. When the teacher asked them to remove their scarves when on campus, they refused to do so. Four or five days after the teacher issued a warning, the director of the primary school expelled the girls, but did not give their parents an official expulsion order.<sup>57</sup> Teachers have also been victims of threats of losing their job because of the observance of

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<sup>52</sup> Ibid.

<sup>53</sup> OMCT and LAS, 2002, pages 21 – 23.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> OMCT et al., 2005, page 66.

that custom. In this regard, the UN Special Rapporteur on the Right to Education, on June 14th 2000, addressed a letter to the Government of Uzbekistan concerning alleged expulsions of schoolgirls owing to their wearing of headscarves. Following the Government's silence, the letter was re-sent on November 20th 2000.<sup>58</sup>

The Committee on the Rights of the Child in 2001 expressed its concern at the low level of pre-school enrolment; the declining enrolment, and the high drop-out, repetition and absenteeism rates in primary and secondary schools; the disparities according to gender and region; the deterioration in infrastructure; the deterioration in the quality of education, especially of teaching and the curricula. It recommended that greater efforts be made to allocate the required human and financial resources to improve infrastructure; expand the provision of learning materials and supplies; and promote the participation of parents and communities in school governance, especially of ethnic minorities to improve enrolment rates and monitor the quality of education.<sup>59</sup>

The Committee on the Elimination of Discrimination against Women expressed in 2001 its concern about the decline in the number of women students and recommended raising awareness and providing incentives to encourage young women to enter male-dominated fields of study.<sup>60</sup>

The United Nations Development Group in the 2003 Common Country Assessment of Uzbekistan came to similar conclusions:

As indicated by recent assessments there are signs of stress in the education system: high coverage in the education system is falling at all levels, and there are disparities in attendance between regions and income groups. Gender disparities at higher levels of education are still significant factors, which could impact negatively on reductions in birth rate, child mortality and expansion in education for the next generation, with possible future consequences for economic growth in the future. While other FSU countries undergoing transition have experienced declines in enrolments in the 1990s, the sharp and apparently more prolonged decline in higher education enrolment that Uzbekistan has suffered is unusual. The potential erosion of Uzbekistan's high human capital stock could undermine its successful transition to a market economy and integration into the global economy. Since higher education is strongly correlated with improved living standards, investments in human capital to eliminate existing disparities are a prerequisite for ensuring that segments of the population will not be left behind preventing inequality from growing in the future.

Inadequate allocations of resources for education, and the insufficient capacities of educational workers to manage the effects of transition, have contributed to the decline in quality of education. Declining incomes combined with the emergence of direct and indirect costs associated with sending children to school have made it more difficult for the poor to keep their children in school. Insufficient job opportunities for graduates from the education system could also be an important contributor to declining enrolments, as the perceived benefits from the education system are reduced. Furthermore, the decentralisation of financing has also contributed to inequities in quality of education between rich and poor communities and families.<sup>61</sup>

## *Health*<sup>62</sup>

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<sup>58</sup> OMCT and LAS, 2002, page 21.

<sup>59</sup> CRC/C/15/Add.167, paras. 57 - 58.

<sup>60</sup> A/56/38, paras. 180 - 181.

<sup>61</sup> UNDG, 2003, pages 23 - 24.

<sup>62</sup> OMCT, LAS, 2002, pages 19 - 20.

The Constitution of Uzbekistan provides for the right to receive “skilled medical care” and the national health care system has been implemented through a number of laws on such issues as prevention of HIV and state sanitary inspections. article 13 of the Law on health care specifically states that citizens of the Republic of Uzbekistan have an inalienable right to health.

Since independence in 1991, the health care system has moved more and more from central planning and government financing to a mixed public and private system. The implementation of economic reforms has involved cutbacks in public expenditures on health, the proportion of the GDP spent on health care having declined from 4.6 percent in 1990 to 3.4 percent in 1998.

There are two types of hospitals: those where patients pay for services and those that are free of charge. However, patients in what are supposed to be free hospitals face unofficial charges for doctors and nurses of such an amount that they are often prevented from receiving adequate treatment. This is closely related to the low level of salaries of medical personnel in the public sector. In general, medical institutions lack appropriate medical equipment and medical tools, medicines and sanitary equipment. Patients are also asked to buy supplies (even the most elementary items such as bandages and analgesic) needed for the treatment either in drugstores outside the hospital or from doctors inside the very same hospital. Patients have been denied a surgical operation because they were not able to pay the surgical fee - set by the surgeon himself - and because they were not able to provide for the necessary medicine such as bandages and spirit.

The quality of medical treatment is often poor, due to the lack of qualified medical personnel, to insufficient funding of public health care institutions, and to the low wages of medical workers. The wages of medical workers can go from 7000 to 20'000 Soums per month (US\$10 to 28), which does not cover the food expenses for one person and for one month. Overall, doctors work around 10 to 12 hours per day and as they receive a salary that does not ensure them the minimum to live, they extort money from the patients and speculate with medical products.

In parallel with the public health system, private institutions have emerged, differing in terms of the costs and quality of the service from the public ones. The majority of the population, with a low level of income, has no access to these private centres. This situation creates dramatic disadvantages for people with lower income levels and thus poverty has increasingly become a serious impediment to appropriate medical treatment, particularly for extended hospital stays.

### *Women*

The Committee on the Elimination of Discrimination Against Women noted a decline in the maternal mortality rate in Uzbekistan. However, the Committee expressed its concern over the status of women's health, especially with reproductive health and the high birth rate. Other health problems include abortion as the primary means of birth control, the increased use of tobacco by women, the environmental degradation in the country and its negative impact on health, especially that of women and children; the high rates of suicide among women, the cases of polygamy, and the situation of rural women, including their access to health-care services, education and income-generating activities. The Committee made a number of specific recommendations to the Uzbek Government to deal with the described problems.<sup>63</sup>

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<sup>63</sup> A/56/38, paras. 185 – 190.

The Committee on the Rights of the Child expressed similar concerns regarding the health of children including the high incidence of infectious diseases, such as tuberculosis (despite high rates of immunisation); the fact that accidents and injuries are a main cause of mortality and morbidity among children and that children in rural and disadvantaged regions, such as Karakalpakstan and Khorezm, suffer the most.

Teenage pregnancies are increasing, accompanied by an increase in the number of abortions among girls under 18, as are rates of STDs, particularly syphilis, gonorrhoea and HIV/AIDS, and substance abuse and tobacco use. Problems of poor access to safe water and food security, exposure to toxic chemicals, and other hazards arising from the Aral Sea disaster, have left about 500,000 people in a precarious state.<sup>64</sup>

Given that Uzbekistan is currently undergoing an economic and health reform, it has to carefully balance the health needs of its people, especially those with low levels of education and status in society, who cannot afford the health services that are increasingly being monetised. Several geographic areas have been additionally effected by environmental practices and children, women in reproductive ages and particularly adolescents and youth living in environmentally-degraded geographic areas, should remain the focus of government and international organisations' attention if the MDGs are to be achieved by the target date.

The human cost of the transition from centrally planned to market oriented economy has been high as two prior decades of health status development were compromised in the years between 1990 and 1994. Although improvements since then have resulted in the overall health status reaching that of 1990, the current levels of both communicable and non-communicable diseases, including malnutrition and the significant rise in HIV/AIDS and tuberculosis, are major challenges for the country. This double burden of disease has been a further constraint to human development during Uzbekistan's transition period.

The limited availability of funds and opportunities for accelerating the pace of health reform implementation, for improving the knowledge and skills of health professionals at all levels and for the unbalanced distribution of budget expenditures on health care have all affected improvements. Furthermore, there are worrying signs that the combined impact of low social spending and low household income is beginning to take its toll. Those families, which are not able to contribute towards health care costs and balanced nutrition, face the risk of reduced access to and a lower quality of vital services.<sup>65</sup>

### *Housing*<sup>66</sup>

After the break-up of the Soviet Union, the State withdrew from providing housing for its citizens. Since the beginning of the 1990's, almost all state-owned apartments have been privatised, meaning that the provision of housing to urban inhabitants is done through various bank loans and housing cooperative societies.<sup>67</sup> Affordable housing has thus become a serious problem. Low-income housing exists but in insufficient quantity to meet the demand. This shortage is not being addressed properly by the state and the local authorities, whose main priority seems to be the construction of office buildings and commercial facilities. Some applicants for housing have been waiting for housing since 1992.

Due to the housing shortage, two or three families often share the same apartment, resulting, frequently, in situations where domestic disputes among family members, involving violence, occur. In addition, the shortage results in an increasing number of people living in slums or in

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<sup>64</sup> CRC/C/15/Add.167, paras. 7 and 49 – 54.

<sup>65</sup> UNDG, 2003UNDG, 2003 page 31.

<sup>66</sup> OMCT LAS, 2002, page 11.

<sup>67</sup> World Bank *Consultations with the Poor*, World Development Report 2000/1 on Poverty and Development.

the streets. Lack of drinking water, electricity, sewage and heating are common in the slums where the inhabitants suffer from diseases such as intestinal infections, skin diseases and tuberculosis. It is not uncommon to find their dead bodies among the garbage in the streets. In the worst cases, people who cannot afford to live in a slum are found in the street and find refuge in cellars, garages, deserted houses or ruins in the wintertime. The lack of official data on homeless people or people living in slums, along with the absence of shelter centres highlights the authorities' unwillingness to address this issue.

### *Work*<sup>68</sup>

The Constitution recognises everyone's right to work, including the right to choose their occupation, to fair conditions of labour and to protection against unemployment. The minimum wage, raised in April 2002, represents approximately US\$5 per month or one fifth of the average Uzbek salary. No worker is reportedly being paid less than the minimum wage. However, the minimum wage should be approximately 35 times higher to guarantee an adequate standard of living to the workers and their families.

According to the official numbers provided by the Ministry of Macroeconomics and Statistics, the unemployment rate in Uzbekistan in June 2001 attained 4.8 percent of the work force. According to the UNDP numbers, only 0.5 percent of the work force was unemployed in 1999. As these figures do not take into account the workers who are unemployed but not registered with the state employment office, they do not reflect the real situation of unemployment. Indeed, as the unemployment office has proven ineffective in providing help to jobseekers, most of the people who look for a job do not even care to register. The Human Rights Society of Uzbekistan estimates that the unemployment rate reaches 38 percent.

The unemployment rate in rural areas is twice as high as in urban areas. This is mostly due to the more favourable economic and social conditions within cities and to the population growth rate, in the rural areas double that of towns. Moreover, in certain areas of the country, such as Karakalpakstan and Novoi, the level of unemployment is respectively 4 and 7 times higher than the national average unemployment rate.

Overall, the State's policy to address this situation has so far proven ineffective and the rate of creation of new workplaces has not kept pace with swelling unemployment. For instance, there is no system to develop employable skills and to train workers, especially those coming from the agricultural sector, with a view to meeting the changing labour market demands.

Due to the high level of unemployment throughout the country, the number of workers engaged in the informal sector represents a significant share of the population, rising from 21.9 percent in 1994 to 38.1 percent in 1999. Most young people work in the informal sector even if they have professional qualifications. Work in the informal sector is generally characterised by the most precarious conditions, with no access to social security, no health insurance and wages just enough to satisfy basic needs.

...unemployment coexists with both underemployment and forms of hidden employment. This coexistence makes the calculation and definition of unemployment particularly difficult. Underemployment, low wages and wage arrears are thus the real problem and often in the past have gone unaccounted for. Low-paid and insecure jobs are also common in the informal sector, as reflected in the *mardicor* (cities' markets) where workers from rural areas are hired for daily work, primarily in the construction sector. In this regards, the CCA stated that those who work in the largely unregulated informal sector are

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<sup>68</sup> OMCT and LAS, 2002, page 13-15.

particularly vulnerable to poverty. They tend to have less stable employment, less access to benefits and lower paid jobs. Pregnant women and/or those with small children are especially unprotected and insecure, as are the disabled and those communities living in remote rural areas with little or difficult access to markets.

Anecdotal evidence suggests that the decline in gainful employment opportunities for women, especially in rural areas, is increasingly being accompanied by a rise of 'traditional' unregistered marriage and divorce and an increase in early marriage (under 17 years of age). These factors make women vulnerable to abuse and restrict their opportunities. Youth unemployment is estimated at 13 percent, suggesting that the economy may be failing to generate sufficient jobs for a rapidly increasing labour force or a potential mis-match between the education attainments and the requirements of the labour market.<sup>69</sup>

### *Women, economic, social and cultural rights and violence*<sup>70</sup>

Security of the person is also being infringed by the prevalence of gender based violence. As with most transitional states building a new sense of nationalism, women in Uzbekistan have been held up as a symbol of cultural identity, creating tensions between the modern, liberal ideal of women's empowerment, and the more traditional, patriarchal model. The most worrying trends include domestic violence, harassment and assault in the streets. Women and children are among the primary victims of economic inequality, their lack of marketable skills and legal literacy preventing them from escaping abusive situations. The predominance of men in politics and their comparatively freer access to employment and higher education means that men play a predominant role in the development of a market economy. It is men, however, who are the primary victims of political and civil forms of violence.<sup>71</sup>

The Constitution guarantees equality before the law without distinction of sex, race, nationality, language, religion, social origin, convictions or individual and social status, explicitly recognises that men and women are equal under the law and stipulates that women and men shall have equal rights.

However, the current situation in Uzbekistan in terms of existing legislation, attitudes, traditional practices and beliefs tends to place women in an inferior position, a situation that has widespread and serious implications regarding their socio-economic position and their participation in the decision-making. Indeed, the low proportion of women in decision-making posts and posts of responsibility is alarming; while making up more than half of the population, they represent only 4.4 percent of the staff at the ministerial level.

The collapse of the Soviet system resulted in a severe decrease in the number of women represented in various influential and authoritative positions in society, and there was a decline in the representation of women in parliament from 36 percent in 1985 to 7 percent in 2003.<sup>156</sup> Although this decline represents the end of the Soviet quota system, in 2002 the representation of women in state power authorities was 13.7 percent, still an unequal gender distribution.<sup>72</sup>

The lack of opportunity to make decisions in the political, economic, social and cultural spheres has serious consequences for the advancement of women and the full realisation of their economic, social and cultural rights.

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<sup>69</sup> UNDG, 2003, page 16 – 17.

<sup>70</sup> OMCT and LAS, 2002, page 7-8; OMCT et al., 2005, pages 55 – 60.

<sup>71</sup> UNDG, 2003, page 45.

<sup>72</sup> UNDG, 2003, page 39.

While female literacy is high, traditional practices such as early marriage as well as the current belief that the place of women should be at home and with the family tends to have a negative impact on women's ability to receive training. Moreover, many families do not have the resources to guarantee the education of all their children. Women, due to traditional images, are often the first to suffer from such a situation. Consequently, especially in rural areas, women's lack of skills, qualifications and technical training often prevent them from earning money, making them highly dependent on their husband and their families, as well as more vulnerable to poverty. Moreover, this situation often forces women who have to work to find a job in the informal sector, in low-paid jobs with no social protection.

The current Uzbek legislation on land issues seriously restricts women's access to land, having therefore a direct impact on their socio-economic empowerment and ability to carry out economic activities independently.

The Constitution and laws of Uzbekistan provide non-discrimination in regard to employment. However, in practice discrimination against women with regard to access to work does occur. Employers generally give preference to male workers who are considered as being more mobile and available than women: women are sooner and more easily fired than men, and the current labour legislation that grants benefits to women has the perverted effect of discouraging employers from hiring them. A woman without children is preferred over a woman with young children and pregnant women are rarely hired, although this is against the law. Men are promoted more quickly than women with the result that their salaries and status are higher compared to women with the same experience and qualifications.<sup>73</sup>

Consequently, unemployment of women is at least one and a half times that of men. Due to their lack of training and skills as well as to de facto discrimination in the formal sector, many women are ending up working in the informal sector in small wholesale and retail trade, rendering services such as cleaning, washing, baking, etc. Lack of social protection and social benefits, precariousness of working conditions, low salaries and vulnerability to abuses of all sorts characterise the daily life of women working in this sector.

The transition to a market economy has affected women's socio-economic status by the shrinking economy and downsizing or closure of state-enterprises. Overall, poverty in Uzbekistan is undergoing a process of feminisation. Women are today suffering from economic and social deprivation as a result of unemployment, insufficient income-generating opportunities and limited access to productive resources such as land. Such a situation tends to maintain women in a subordinate role and in a lower socio-economic and political status, increasing their dependence on their husband and family, rendering them more vulnerable to poverty, violence perpetrated within the family and the community and to trafficking.

Although domestic violence touches all levels of society, it is more severe for women living in poor economic circumstances, because they cannot afford to move away from the family. In 90 percent of the registered cases of domestic violence, women were either unemployed or both spouses had a very low income. The contrast between urban and rural confirms the link between the economic situation of women and violence, as the former have more opportunities to education and independent income and are more respected within the family. If they are ill-treated, their economic independence makes divorce affordable for them.

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<sup>73</sup> A/56/38, para 182.

Early marriage and polygamy are widespread - in one area 12 percent of marriages concluded in 2002 were early marriages, 15 percent - polygamous, and most of the rest were contracted under parental pressure. In addition, it was reported that domestic violence is especially extensive in the cases of early marriages, since many of the young brides don't understand and, furthermore, they are not ready to resist and to protect themselves from the ill-treatment.

While forcing women into marriage or preventing marriage is forbidden by the Criminal Code, the theft of brides has revived: inability to pay bride-money and finance a generous wedding leads young men of insufficient wealth or who are unemployed to use this tradition method. Those guilty of bride theft are not brought to justice for two reasons: the bride's family does not want publicity and people believe that bride theft is committed with the family approval and is part of a traditional custom. Law-enforcement agencies have usually the same vision on this issue. The theft of brides is often accompanied by rape.

Rape is believed to be widespread, but due to cultural norms and values which place great importance on women's sexual purity, the crime is under-reported. Public condemnation of rape victims is common, particularly in rural areas. Criminal proceedings for rape can only be initiated after a written complaint is filed by the victim and a case may be dropped if the victim withdraws the charges herself. In practice, rapists escape criminal prosecution when all sides agree to arrange a marriage between the perpetrator and the victim. Further, articles on rape in the Criminal Code neither explicitly address marital rape nor do they exclude it. However, the police reportedly often fail to take action in cases of marital rape and the victim very often does not file a complaint or withdraws her allegation out of fear.

Uzbekistan is a country of origin, transit and destination of human trafficking and women trafficking. Human beings are exported for labour, military and sexual exploitation. Sometimes people are sold into Kazakhstan where they become slaves. Victims of human trafficking are sent to European countries and the United States as well as the countries of Asia. The majority of victims are brought out of the country for sexual exploitation by intermediaries. Another category of victims is composed of women who contacted bride or employment websites through internet. Shuttle transportations of women for sexual exploitation is in particular through Kazakhstan and Kyrgyzstan.

The scale of organised prostitution is of great concern. It is reported that recruiters work in schools, universities, and nightclubs and on the streets. However, trafficking of women is not officially acknowledged in Uzbekistan. The victims of trafficking are afraid and ashamed to turn to the law-enforcement agencies, because if they were prostitutes, even in the cases of coercion, they could be subjected to punishment according to the Uzbek Administrative Code.

Torture remains routine, and that both male and female detainees are regularly threatened with rape. The police make such threats in particular against female detainees in the presence of their male relatives to force the men to sign self-incriminating statements.

The Committee on the Elimination of Discrimination Against Women expressed its concern in 2001 at the significant resurgence of patriarchal attitudes and behaviour, the low representation of women in decision-making bodies because of a number of factors, including traditional sex roles, and the prevalence of all forms of violence against women, including domestic violence. It also expressed concern at the high rates of suicide among women and at the cases of polygamy and made recommendations regarding trafficking of women and

girls.<sup>74</sup> The Special Rapporteur on violence against women also expressed concern about the lack of rules dealing with domestic violence and marital rape.<sup>75</sup>

### *Children*<sup>76</sup>

More than half population of the Republic of Uzbekistan is below the age of 18 years old and approximately 35 percent are between the age of 0 and 14. The law obliges parents to support their children until the age of 18. A strong cohesion of families exists and several generations live together under the same roof or in communities. Children are considered an important aspect of family life and are deemed of great importance for the security and survival of the family in the future; in this respect especially boys are favoured.

The Constitution guarantees to children respect of their rights without discrimination and anti-discriminatory dispositions are contained in several laws. Nevertheless, the Family Code provides for the minimum age for marriage at 18 years for men and for women at 17 years old. This age can be lowered by maximum one year by a decision of the *hokimiyat*.

Refugee children, disabled, street children, children in prison (and those that have been released) do not enjoy the same access to educational and health facilities as others. An exceptionally high number of children are disabled, and the support they receive is insufficient and available only until the age of 16. It is thus not surprising that disabled children are often seen begging on the streets. There are also cases where disabled children successfully pass their admission exams but are not admitted to schools for some unknown reasons.

Although school enrolment is generally high, poor families, mostly from rural areas, have been restricted access to the educational system. In addition, girls have a lower rate of participation in higher education than boys notably because of early marriages, but also because of attire for Muslim girls.

It is alleged that torture of children has taken place in youth detention facilities, by the staff as well as by other children. However, these claims are difficult to verify, since visits to prisons by NGOs and other non-governmental groups is impossible. In the interrogation process, authorities have regularly threatened to inflict harm on family members and children in order to obtain a confession. Reportedly, torture or even beatings to death, has occurred under the eyes of children of the suspect, constituting clear psychological violence. Some children are also ill-treated by state agents only because their parent is a human rights defender.

Although legal counsel is granted to juveniles, in practice lawyers are reluctant to defend children because the State will only pay 600 sumi (approximately one US dollar) for the defence. In addition, lawyers are often informed at the last-minute about the details of the case. There are doubts as to whether the right to a psychologist or pedagogue is ever applied. Incidences of bribery, falsification of charges, harassment of the offender's family and torture during arrest and interrogation are also common.

In 2001, the Committee on the Rights of the Child noted its concern about "numerous and continuing reports of ill-treatment of persons under 18 by the militia, including psychological intimidation, corporal punishment, including for purposes of extorting confessions [and]

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<sup>74</sup> A/56/38, paras 165 – 187.

<sup>75</sup> E/CN.4/2003/75/Add.1, paras. 1225-1232; E/CN.4/2003/75/Add.2, paras. 231.

<sup>76</sup> OMCT et al., 2005, page 65-75.

deplore[d] the insufficient efforts to investigate allegations of torture, as well as the failure to prosecute alleged perpetrators.”<sup>77</sup> In addition, the Committee expressed its concern about insufficient information in the area of juvenile justice, and was particularly concerned about ill-treatment and unlawful investigative methods and deprivation of liberty. Almost four years later, the situation had not improved.

The Human Rights Committee has also expressed its concern about cases of children being detained, arrested and held in custody without being able to exercise their right to a lawyer, and subjected to ill-treatment and unlawful investigative methods; and about the lack of information on this subject. It recommended that Uzbekistan include more information on the situation of children held in custody and that it enact a new criminal procedure law to deal specifically with juveniles.<sup>78</sup>

According to anecdotal reports from NGOs, the number of the children who are trafficked into prostitution abroad is growing. Traffickers most often target girls aged between the ages of 11 to 16, but boys are also trafficked. There were reliable reports that young women travel to the Persian Gulf, Malaysia, South Korea, Thailand, Turkey and Western Europe for the purpose of prostitution. Many young prostitutes come from poor rural areas and deteriorated families. There are cases when parents, for profits or just in despair, sell their young daughters into sexual slavery. In large cities such as Tashkent and Samarkand, newspaper advertisements for marriage and work opportunities abroad as dancers or waitresses in private nightclubs or restaurants are often connected to traffickers. Street children have also been engaged in prostitution practices. The State provides only modest relief to street children in terms of programmes for shelter and food and they have consequently been compelled to find other means to support themselves. According to an unofficial estimate there are about 1,500 street children in Uzbekistan. One of the major obstacles in the fight against trafficking for sex trade has been internal corruption, in the form of bribes taken by customs and border guards.

Sale of children is a new shocking phenomenon in Uzbekistan. In Samarkand province women from the rural regions sell their children in markets. Thus, a market salesgirl testified to have seen two eighteen-year old women with babies in their hands appeared in the market. They approached salesmen proposing to buy their babies for about US\$5 per baby. The women refer to their misery to justify themselves. On receiving the money for the babies, they immediately disappear.

The New Labour Code of Uzbekistan (1996), sets the minimum age for work at 16 although it provides for some exceptions: children from 14 can work provided that there is a written agreement of their parents or guardians, that the work is not harmful for their health and safety, and that the work does not prevent the children from going to school. The Labour Ministry inspection service is responsible for enforcing compliance with these. However, these controls are not effective. In fact, many children start working from the age of 10. In rural areas, every year during the cotton harvest, many children are employed as cotton pickers without being able to attend school at the same time; and these children are also exposed to hazardous and hard working conditions. The former UK ambassador to Uzbekistan expressed his concern about this: “The widespread use by the state of forced child labour in the cotton harvest also should be highlighted further. This is one area [where] I would like to see the UN take a much more active role.”<sup>79</sup>

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<sup>77</sup> OMCT et al., 2005, page 67.

<sup>78</sup> CCPR/CO/71/UZB, para. 21.

<sup>79</sup> OMCT et al., 2005, page 74.

Children are also often employed in markets and shops to sell alcohol, cigarettes and other goods. Their remuneration generally barely covers meals and day-to-day needs. In the worst cases children are employed in illegal activities such as prostitution and robberies. In general children end up working at a young age because of the deteriorating socio-economic conditions of their families. In this poverty-driven situation, an additional source of income is, most of the time, of vital importance and it is therefore not uncommon that parents themselves force their children to drop out of school and go to work.

The negative effect of the economic crisis and the subsequent deterioration of the family unit have resulted in an increasing number of street children in Tashkent and other Uzbek cities.<sup>80</sup> Most work as street vendors. During the summer, these children sleep in gardens, parks or on garage roofs, while during the winter they find shelter in cellars and basements where there is central heating system. The Government addresses this situation by mostly resorting to repressive measures, resulting, very often, in the detention of children. Indeed, when street children come into contact with law enforcement officials it is not because they are liable to be charged with crimes, but exclusively because they live or work in the streets. Cases of ill-treatment and torture are reported in this regard. Ill-treatment also occurs between the children themselves. When not being detained, given the fact that foster care and other forms of family-based alternative care are not sufficiently developed, children are placed in institutions such as the so-called "infants' homes", which because of lack of resources, provide children with very low quality housing and care.<sup>81</sup>

Latent violence by parents towards their children is a common problem. Partly due to the closed *Makhalla* system, no action has been taken by the Government to prevent these occurrences. Children rarely report being abused despite article 67 of the Family Code that allows a child from 14 years old to file a suit against their parents or guardians. Many children are unaware of their rights and the possibilities of protection. Sexually abused girls are often sent to detention centres in order to cover up the family abuser. Neither information about appropriate contacts in case of abuse nor "hot lines" exist. State agencies dealing with children prefer not to interfere in family matters and seldom run to deprivation of parental rights as permitted under articles 83-94 of the Family Code.

Among its recommendations, the Committee on the Rights of the Child called for the allocation of resources "to the maximum extent possible" for child rights. It also expressed concern at the prevailing disparities in the enjoyment of rights of children: refugee, asylum-seeking and internally displaced children, children belonging to minorities, disabled children and those living in institutions, and in regions of the country lagging behind in socio-economic development; and highlighted that the Convention's guarantee of non-discrimination may be jeopardised, for example by social security laws which effectively deprive non-citizens of rights to social security benefits and impose fees which may inhibit access to health and education services. It also mentioned the harmful consequences for children of domestic violence, the low level of pre-school enrolment; the declining enrolment and high drop-out, repetition and absenteeism rates in primary and secondary schools; the deterioration in infrastructure; and the deterioration in the quality of education, especially of teaching and the curricula.<sup>82</sup>

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<sup>80</sup> CRC/C/15/Add. 167 para. 63.

<sup>81</sup> OMCT and LAS, 2002, pages 23 – 24.

<sup>82</sup> CRC/C/15/Add.167, paras. 26, 47 and 57.

### *Internal migrants*

The deteriorating economic situation in rural areas has led to a gradually increasing level of urbanisation over the last decade. Migrations of considerable proportions can also be observed from cities whose industries have been affected by the demise of the Soviet-style economy, resulting in massive downsizing and unemployment. Consequently, many peoples are forced to move to the main urban centres, especially Tashkent, to find temporary jobs and survive (see section 8.5 for more detail on this problem).

Citizens of Uzbekistan must obtain a residence permit (*propiska*) from local authorities in order to resettle in a new city. Without this permit, which can be either temporary or permanent, a person is barred from housing or employment and is also subject to imprisonment for violation of the passport regime. Thus, this system has the effect of turning an Uzbek citizen into a *de facto* illegal. The passport regime - determined by the Presidential Decrees and the Cabinet of Ministers' Resolution - imposes serious hurdles and numerous conditions which make it almost impossible to get a *propiska* in Tashkent, where most of the internal migrant workers are heading. Those who do not obtain one have to bribe public officials, which costs up to US\$2000. Consequently, the majority of internal migrant workers in Tashkent remain in illegality. This situation often unleashes a cycle of violations of rights of various natures. In Tashkent, migrants without *propiska* are often victims of blackmail and extortion by local officials and police authorities, who receive bribes just to turn a blind eye to the migrant's illegal status. Furthermore, employers are aware of the worker's illegal and so take advantage of this to underpay them - or not pay them at all. The workers, conscious of their illegal condition, are not in the position to file complaints. In this respect, there are many black market labour exchanges in Tashkent where, every morning, several thousand people, known as *Mardikors*, go to find a job. These internal migrant workers are ready to perform any job for a very low amount of money. As competition among the job seekers is very high, the price given for the work tends to be extremely low.<sup>83</sup>

The Committee on the Rights of the Child expressed its concern in 2001 that the system of residence registration may restrict the rights of children belonging to vulnerable groups to access social services. In particular, the Committee is concerned that because these rules are issued in various forms (decrees, regulations, instructions, etc.), they may not be sufficiently clear and may be open to abuse by officials reluctant to see migrants settle in their jurisdiction.<sup>84</sup>

## **8.4 Violence in Uzbekistan**

### *Torture and deaths in detention*<sup>85</sup>

Uzbekistan does not keep any official records on torture cases, therefore reports are usually based on statements made by victims or personal investigations of human rights defenders and international human right organisations. Torture is reported during all stages of criminal procedure starting from first moments of detention, police interrogations, prison etc.

Between 2003 and 2005, four new deaths in custody, apparently due to torture, have been documented. Torture allegations have been raised by defendants and witnesses in some trials. In all of these cases, the presiding judges ignored the allegations and proceeded to convict the defendants. Human rights defenders, political opponents and independent religious activists

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<sup>83</sup> OMCT and LAS, 2002, pages 17 – 18.

<sup>84</sup> CRC/C/15/Add. 167, para. 28.

<sup>85</sup> OMCT et al., 2005, page 29-34.

are the most common victims of torture. Repressive strategies have been used to silence persons who are engaged in denouncing human rights violations perpetrated by the authorities.

Police officers and security agents use torture and other illegal means to coerce statements and confessions from detainees and courts continue to accept as evidence confessions extracted under torture. The Supreme Court issued an instruction to judges to exclude such testimony but judges do not implement this. Judges also routinely base convictions solely on confessions made by defendants during the investigation.

The most frequently occurring gross violations during arrest and detention are the use of violence and violation of the right to legal defence. Violence is especially widespread during the arrest because the detainee showed resistance.

The consequences of torture most frequently reported by medical personnel are bruises (including on the abdomen and kidneys), grazes, forms of bleeding, traumas of thorax, head concussion and others. It was noted that law enforcement officials usually try to inflict damage in such a manner so as to leave no trace. Many detainees try to document the bodily injuries and some of them manage to do that, but these measures do not lead to anything further.

The Special Rapporteur on Torture visited Uzbekistan in 2002 and stated that he "believes, on the basis of the numerous testimonies (including on a number of deaths in custody) he received during the mission, not least from those whose evident fear led them to request anonymity and who thus had nothing to gain personally from making their allegations, that torture or similar ill-treatment is systematic". Even though only a small number of torture cases could be proved with absolute certainty, the numerous testimonies gathered were so consistent as to torture techniques and circumstances occurred that the "pervasive and persistent nature of torture throughout the investigative process cannot be denied". Torture and other forms of ill-treatment appear to be used indiscriminately against persons charged with serious crimes as well as petty criminals.<sup>86</sup> However, almost none of Special Rapporteur's on Torture's 22 recommendations have been fully implemented and a government action plan against torture has had little impact on the reality of the criminal justice system.<sup>87</sup>

In 2001 and 2005, the Human Rights Committee stated that insufficient information has been provided about conditions in detention centres and penal institutions in Uzbekistan, apart from comments on conditions in the Jasluk prison. The Committee is concerned about numerous allegations of torture, ill-treatment and deaths in prisons and of the return of marked and bruised corpses to the families; the low number of officials who have been charged, prosecuted, and convicted for such acts; the high number of convictions based on confessions made in pre-trial detention; and the small number of independent inquiries conducted in police stations and other places of detention to guarantee that no torture or ill-treatment takes place. It recommended that the State should take measures to improve conditions in detention centres and penal institutions so that they are compatible with articles 7 and 10 of the Covenant, and ensure that all persons deprived of their liberty are treated with humanity and

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<sup>86</sup> E/CN.4/2003/68/Add.2 para. 68.

<sup>87</sup> OMCT et al., 2005, page 20.

respect for their dignity, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.<sup>88</sup>

The Committee against Torture expressed concern in 2002 at the numerous, ongoing and consistent allegations of particularly brutal acts of torture and other cruel, inhuman or degrading treatment or punishment, committed by law enforcement personnel; the lack of adequate access for persons immediately after they are apprehended to independent counsel, to medical examiner and to family members (an important safeguard against torture); and the de facto refusal of judges to take account of evidence of torture and ill-treatment provided by the accused, so that there are neither investigations nor prosecutions.<sup>89</sup> The Committee on the Rights of the Child in 2001 expressed similar concerns.<sup>90</sup>

### *Freedom of religion and violence*

In the words of the OMCT and Uzbek human rights organisations in 2002:

Approximately 88 percent of the population of Uzbekistan is Muslim. During the Soviet era the Muslim Board of Central Asia and Kazakhstan controlled Islamic worship and study, regulating the registration of mosques, appointing imams to lead local congregations and dictating the content of sermons and Islamic practice. The agency survived Uzbekistan's transition to independence in 1991, becoming the Muslim Board of Uzbekistan and retaining its responsibility for the regulation and restriction of the population's religious beliefs and practices. Independence gave rise to a revival of popular interest in Islam and imams began to preach without deference to the Muslim Board, communities founded mosques that were not registered with the board and a variety of Islamic literature not approved by the board became available.

...

During the second half of the nineties, the Uzbek government tried to regain strict state control over religious activity and the murders of several police officers and government officials in 1997 provided the pretext for the government to crackdown heavily on religious Muslims, portraying them as a threat to the country's stability. In May 1998, the Law on Freedom of Conscience and Religious Organisations, together with amendments to Uzbekistan's criminal and administrative codes, banned all religious activity and organisations not registered with the state, including private religious education and the distribution of literature deemed extremist and set out criminal penalties for leaders who failed to register their groups.

...

Since 1997, the measures taken by the authorities have led to the closing down of hundreds of mosques, while more than 7000 Muslims, militants and believers have allegedly been imprisoned. In pursuing its systematic religious persecution against independent Muslims and believers, the government has engaged in severe and repeated abuses that include unlawful arrests, detention without trial, incommunicado detentions, extra-judicial executions, torture, unfair trials and incarceration of non-violent believers.

...

This wave of repression carried out by the authorities against non-violent Muslims believers tends to reinforce the population's adherence to a more radical form of Islam. Moreover, both issues –the state's repression and the increased appeal exercised by a more radical form of Islam on the population- have to be seen against the background of the ongoing economic crisis, its effects and the authorities' failure to properly address the problem of poverty. Indeed, destitution and extreme poverty can lead the population to

<sup>88</sup> CCPR/CO/71/UZB, 26 April 2001, Principle subjects of concern and recommendations, para. 9; CCPR/CO/83/UZB, paras 10-11.

<sup>89</sup> CAT/C/CR/28/7, paras. 5, a), b), and f).

<sup>90</sup> CRC/C/15/Add. 167, para. 39.

welcoming the support of the “Wahhabists”, who have reportedly provided people with food supplies, financial resources and schoolbooks.<sup>91</sup>

In 2005 OMCT and three Uzbek human rights organisations informed the Human Rights Committee that:

...for years, Uzbek government has imprisoned on “fundamentalism” charges individuals whose peaceful Islamic beliefs, practices, and affiliations fell outside of strict government controls. An accumulated total of about 7,000 people are believed to have been imprisoned since the government’s campaign against independent Islam began in the mid-1990s. The government justifies this campaign by referring to the “war on terror,” failing to distinguish between those who advocate violence and those who peacefully express their religious beliefs. By November 1, 2004, there were documented 241 convictions; the true numbers are believed to be much higher. In 2004 Uzbekistan was shaken by two episodes of violence—bombings, and shootings in Tashkent and Bukhara in late March and early April, and bombings of the U.S. and Israeli embassies and the General Prosecutor’s office in Tashkent on July 30. Uzbek government used the March-April attacks to give new validation to the “war on terror” campaign. Uzbekistan is a key ally of the United States in the global campaign against terrorism, but undermines that campaign by using it to justify gross human rights abuses. Unfair trials of terror suspects in Uzbekistan that result from gross abuses further undermine counterterrorism efforts by producing unreliable convictions which damage rather than promote the rule of law.<sup>92</sup>

Finally, the Human Rights Committee noted in 2005:

...de facto limitations on the right to freedom of religion or belief, including the fact that proselytising constitutes a criminal offence under the Criminal Code. The Committee is also concerned about the use of criminal law to penalise the apparently peaceful exercise of religious freedom and the fact that a large number of individuals have been charged, detained and sentenced and while a majority of them had subsequently been released, several hundreds remain in prison.<sup>93</sup>

#### *Violence, forced eviction and mass displacement*<sup>94</sup>

The Ferghana valley is one of the regions where State repression is occurring on a large scale. The militarisation of the region is taking place under the banner of fighting international terrorism and notably the Islamic Movement of Uzbekistan (IMU) and the *Hisb ut-Tahrir*.

The social situation in the region is characterised by a high level of unemployment, demographic explosion, and a monopolistic economic approach through which all the profits extracted from the cotton culture remains in the hands of the authorities, thus undermining the livelihood of local producers. A deep economic crisis is currently affecting the Uzbek part of the Ferghana valley, bearing a great potential for social unrest. For instance, according to the Institute for Regional Studies in Bishkek, 35 percent of all people under 25 were unemployed in 1995.

...

One can therefore observe, in the Ferghana valley, a vicious circle of brutalisation where poverty fuels support to movements that the authorities consider as “fundamentalists”, thus applying against them strong methods of repression. In turn, this repression is carried out at the detriment of measures addressing the rampant poverty and democratic principles, thus

<sup>91</sup> OMCT and LAS 2002, page 26.

<sup>92</sup> OMCT et al., 2005 page 11

<sup>93</sup> Concluding Observations, 2005 Uzbekistan Human Rights Committee CCPR/CO/83/UZB, para. 22. The Committee on the Rights of the Child, for its part, expressed concern that “restrictions on the freedom to manifest one’s religion, particularly Islam, do not comply with the requirements” of the Convention on the Rights of the Child. CRC/C/15/Add. 167 para. 35.

<sup>94</sup> OMCT and LAS, 2002, pages 26 – 28.

reinforcing the attraction of the Islamic movements calling for an alternative political and social order.<sup>95</sup>

The forced displacement of populations and mass deportations is also taking place in other areas of the country. The circumstances and way in which these actions have been conducted show that they have been carried out as a form of collective punishment of entire villages for alleged participation in or support to the Islamic Movement of Uzbekistan (IMU), since fighting between IMU members and the army has taken place on the border with Tajikistan for the control of that territory. Again, these developments have to be seen against the socio-economic background of the region, as the following examples show:

On August 5th 2000, approximately 1300 Uzbek citizens of Tajik ethnicity, inhabitants of five villages in the mountainous districts of the Surkhandaria region, were forcibly deported from their villages by the military and resettled in the steppes of the Sherabad region, about 250 miles away. State authorities explained that the action was taken in order to improve the living conditions of the people concerned. Nonetheless, villagers were taken by surprise in the morning, forced to embark on military helicopters, had to leave their homes without their belongings, while their villages were subsequently destroyed ... in 2001, around 4000 people residents of ten villages near the Tajik border have been displaced under similar conditions, probably on suspicion of some inhabitants' alleged sympathies for the Islamic Movement of Uzbekistan (IMU). The displaced persons have been relocated in locations where they have no contacts with the outside world and where it is very difficult for Uzbek human rights organisation to monitor their whereabouts and well-being. So far these persons have been obviously prevented from returning to their place of origin, while Human Rights Watch reports that their homes have been razed to create a *cordon sanitaire* along the border.<sup>96</sup>

The United Nations Development Group's Common Country Assessment also recognised the abuses connected with the forced removal of people and noted that the relocation caused undue insecurity and hardship. The displaced communities have very few possibilities of making a living: for example, they cannot move freely within the country, as they are not able to afford a residence permit which severely limits their opportunities for seeking employment.<sup>97</sup>

### *Poverty, violence and religious fundamentalism*

Information collected on Uzbekistan shows a clear interrelationship between poverty, inequality, violence and religious fundamentalism. The United Nations Development Group stated in 2003 that the country's approach to "security" is complicated by an increasingly difficult economic situation, and that:

when social disparities become more pronounced, opportunities potentially exist for extremist groups to capitalize on the perception of growing inequality, as resentment about perceived social injustice blinds some to the shortcomings of alternatives. For example, Namangan province is often cited for its high number of sympathisers for radical Islamic movements, but support in this region may be rather the result of disappointment over socio-economic disenfranchisement than true passion for radical Islam. Thus, there is a potential threat posed by growing numbers of young unemployed men to stability and security, which if not counteracted may directly impinge upon human development.<sup>98</sup>

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<sup>95</sup> Ibid.

<sup>96</sup> OMCT and LAS, 2002, pages 27-28.

<sup>97</sup> UNDG, 2003, pages 41 – 42.

<sup>98</sup> UNDG, 2003, pages 43 – 44.

The Common Country Assessment recognised that the Uzbekistan constitution guarantees freedom of religion, but that

...since 1997, there has been a well-documented series of arrests, some of which appear to be targeted rather loosely. The Government of Uzbekistan regards militant Islamic fundamentalism as the main threat to state security and consequently, three particular groups have been singled out: the Islamic Movement of Uzbekistan, independent Muslims, who meet outside the state-controlled system of Mosques, and the Hisb-ut-Tahrir. It has already been noted that sympathy for radical Islamic movements in Uzbekistan is often fuelled by discontent with the disappointments of the post-Soviet era rather than by deeply felt attachment to radical Islamic ideology. Sympathy for militants seems to be linked to the lack of possibilities to express discontent within the current institutional framework. The heavy-handed response of the Government has “also served to radicalise some young men and women who otherwise might practice their religion in a politically neutral manner.”<sup>99</sup>

On the question of security, regional stability and human rights following the terrorist attacks, the CCA referred to the UN Secretary-General who has stressed that:

...the need to protect national security and the fight against terror cannot justify human rights violations. Disillusionment with the reform process, rising inequalities, citizens’ alienation from the state and human rights violations can give rise to an unstable social, economic and political environment and create a threat to security.<sup>100</sup>

## 8.5 Migrant workers: case study

### *Objectives and methodology*

This section is based on a study by the Legal Aid Society (LAS) on the situation of migrant workers in the city of Tashkent in 2004.<sup>101</sup> The purpose was to identify the problems related to the urban migrant workers (known as *mardikors*), the causes behind the increasing number of urban migrant workers, and the roots of violence from both state and non-state actors and the main risks for *mardikors*.

The study was based on random interviews in different parts of the city with low qualified and low paid people coming from the rural areas or small and middle sized towns and who had no papers to work permanently in the city. It investigated households, breadwinners, incomes, and women and family issues; police attitudes and practices

During the process of interviewing people, LAS identified some new sides to the problem and introduced necessary changes to the research. One such “surprise” was the division of the so called “labour exchanges” (places where *mardikors* gather) between different groups, and how that self-governed regulatory systems works.

### *Background to the problem*

The rural situation in Uzbekistan is feudal in nature. The cotton harvest is surrendered for a miserable price to the State, which has a monopoly on export, resale and anything else with respect to the cotton. The State, which is heavily dependent on cotton, confiscates, and often does not pay a penny, for the cotton harvested. The level of income is the lowest in the world at much less than a dollar per day. The State does nothing to increase employment or for agricultural development. Freedom of entrepreneurial activity is minimised under

<sup>99</sup> UNDG, 2003, page 45.

<sup>100</sup> UNDG, 2003 page 45.

<sup>101</sup> The full text of the Case Study is contained in the CD-ROM included with this publication.

irresponsible fiscal policies and corruption, and few chances are given to independent small businesses. A well known proverb in Uzbekistan says “it is cheaper to do nothing”.

Infrastructure for the 60 percent of the population living in rural areas is underdeveloped. There is almost no access to adequate education and health services. Qualified medical personnel, teachers and engineers are scarce.

Although private farming is not a real option, many families extract a minimum for survival by having a cow or garden in the backyard.

In this situation many people from rural areas find that the only option to survive is migration to other states or big cities, where there is some demand for low qualified and low paid work. *Mardikors* are not only people from the rural areas but also from more or less developed cities: highly qualified teachers, engineers and medical personnel have to leave their underpaid job and look for other options.

In conclusion, while life in the city presents risks for the security of the *mardikors*, at the same time, it gives more opportunities to work and in most cases to send up to US\$30 back to their families.

#### *The problems of mardikors*

The problem of internal migration was institutionalised in the Soviet era. At that time, big cities were supposed to demonstrate developed socialism and prosperity: beautiful architecture and modern symbols of the big cities could be damaged by extensive inflows of people from the rural areas and cause problems for full and guaranteed employment, so widely lauded in Soviet propaganda. This same understanding prevails in modern Uzbekistan with lower living standards and unbearable attitudes of the police.

It is practically impossible for people to settle legally in cities. A person registered in a permanent place of residence is allowed access to medical, security, education, real estate ownership rights, on the territory where he/she were born. Legislation limits the rights of an individual to be employed on a territory where he or she is not officially registered. Thus an individual moving to Tashkent city is supposed to receive *propiska* or registration in the capital.

The mayor's office is the body responsible for granting the rights to settle in Tashkent city. However, an officer reported that they have an oral order to grant this status only on direct orders from the interested state agency or in other exceptional circumstances (usually believed to be corrupt practices). LAS reports numerous cases where bribes were paid, but in which no permit was obtained.

All interviewed *mardikors* pay some remuneration to the police regularly which is supposed to guarantee full immunity for well-being in that area. Nevertheless, hundreds of *mardikors* get arrested daily on the streets, being outside of their native districts or having no money to settle the problem. They are gathered on the special camp organised in each district of the city.

Wrong practices of the police are not rare. However, LAS did learn of good police officers who understand the problems and helped *mardikors*, but they were rare.

About 95 percent of all *mardikors* interviewed never applied for proper registration documents, as they were perfectly aware of the rates requested or other high requirements. Usually they explained their passive attitude because no employer would be ready to accept the extra expenses associated with hiring the staff subject to extra taxes.

#### **The story of Otabek Mukhitdinov**

Life in the capital is so complicated with frequent police raids that it's almost possible to be in the capital alone without good connections in the police or good friends who know you and may introduce you to the sheriff of the district you live. Any important official visit or national holiday starts with the deportation of "unreliable" people without registration in the capital. I compare myself with a criminal who is not allowed to visit public places or freely walk on the streets. Our presence is invisible since we go to work secretly and very early in the morning and then directly back home, often by taxi. We cannot afford to walk on the streets because the capital is full of police stopping you on every corner to check documents and get some money from you. The police easily detect us by our appearance, colour of our skin burned under the sun and our poor clothing. About 12 friends live in the small apartment, and should they need to buy something they do not risk going out of the apartment. I am highly sceptical with respect to the future in the capital and am thinking of moving to Russia.

Markets are one of the most popular places for *mardikors* to work. Often they are employed in the wholesale department, loading or securing the goods and at the same time, some of them assist people with their shopping and deliver their fruits and vegetables to their cars. However, not every one is allowed to work there, since you have to bribe the police regularly as well as those representing the majority of the workers who protect the market from an overflow of migrants. The same is true of work in illegal building and reconstruction services. There are also many other less popular places for gatherings of illegal migrants such as "labour exchanges" in the suburbs where prices for *mardikor* services are significantly lower.

#### **LAS meets a police officer in a market**

When the police officer noticed one of us asking questions and writing something down, he asked us to show the comments and explain what we were doing. We wanted to know what was wrong. He could not explain what law we violated by interviewing the *mardikors*, but was very nervous since the idea of our recording was not really ideal from his point of view. In less than a minute all the *mardikors* left the presence of our interviewer since they were absolutely sure that later, after we had left, the same guy in uniform could be quite dangerous for them. Nevertheless, our dispute did not end there: the policemen insisted and at the same time was glad to finish the dispute with people who so bravely defended their rights. In reply to our question: "What law did we break by talking with those people?" he stupidly said: "the law is myself and I am here to dictate what to do". That poor guy was the ordinary private, with no distinctive signs on the uniform. It was really a pity to observe such a limited understanding, comprehension, professionalism, so dangerously emanating from people like that.

The illegal situation of the immigrant workers means that they do not benefit from social security. Many examples show that migrant workers do not receive health care, compensation in the event of accidental death or old age pensions and that they work in unsafe and

unhealthy conditions.<sup>102</sup> Examples also abound of people working for private individuals or police officials on construction sites and not receiving any pay for their work.<sup>103</sup> The situation could be described as one where slavery and human rights violations happen daily and are the norm.

The fact that *mardikors* have little or no chance to obtain papers for permanent living and employment in the capital strains their relationships with police and causes tensions in the whole of society. Every second person interviewed explained that those who decided to join criminal groups were in a so called “no exit” situation. They felt that it was not only the individual who is responsible, but also society as whole and each person in particular.

Often, *mardikors* stated with some anger and fear that their only option was to return to their places of their origin. To survive there the only alternative was to join the radical studies of Islam; many of their friends were risking their lives and distributing literature and leaflets for US\$20-50 a month.<sup>104</sup> However, the absolute majority of those interviewed were not ready to break the law and earn money by robbery or other crimes.

To survive in Tashkent, *mardikors* have some “safe” places to gather and then go back to the job and to the city by taxi which is very expensive for them but to take public transportation means to be noted by the police and questioned and fined. Therefore their presence is very invisible, they work at the places where they are needed and then hide where they sleep.

#### *Women mardikors*

Historically *mardikors* were men working in hard low paid positions and doing the most unfavourable physical work, but now the number of women working in the city as *mardikors* is great and there are no visible signs why the situation should improve. About 40 women working in the city were interviewed, with very illustrative stories about their experiences. Most of those women are alone or have handicapped husbands incapable of hard physical work<sup>105</sup>. In addition, the state pension for the handicapped amounts to a maximum of US\$15-20 a month, whereas unofficial but very true living minimum is about US\$150 for a person.

Women *mardikors* have a better chance of finding a permanent job than men. Usually rich and middle class households hire them for decent money for housework or babysitting. As

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<sup>102</sup> One example is that of a *mardikor* who died in an accident while working on the summer villa of Uzbek businessmen. The businessmen did not call for police or ambulance, but invited the relatives of the victim. He gave them a bag of flour, rice and some meat for the funeral and let them go. The relatives did not complain or investigate what happened. The attitude of the relatives is also significant - they were threatened by the fact that the guy was working illegally, was not paying taxes, was not registered; the police would not solve the problem but initiate investigation and punish anyone else but those responsible.

<sup>103</sup> Almost every *mardikor* interviewed complained that usually people hiring them did not pay them as much as was agreed. Sometimes they didn't pay them at all. No legal remedies are possible since they do not have valid papers and labour contracts.

<sup>104</sup> One *mardikos* told the story of two of his elder brothers, who were jailed for participating in a radical fundamental group. They were distributing literature and had about US\$50 a month. That was only the work for them; they had never before associated with those radical people but had no other source of income. After they were jailed the brother was called to the police several times, each time suspected of participating with radical studies groups. Then he decided to leave for Tashkent, and to live and work there.

<sup>105</sup> Albina from Tashkent did not have permanent place of work, she would get offers of housework. Her husband left her without a word a year ago for other women, and does not support her or the children. Her brother who assists them is also not a rich man. Therefore she left her children with her mother and went to the city. Albina says that life in the city is horrible and that she always wants to come back to her children, but in her village there is little or no possibility of earning money.

one woman aged 30 told us: "I am a lucky woman, because I found a good job with good people, I live in a room in their big house, I am well paid and have no other problem but to work and be friendly with the family. I am sure that everybody in my situation could dream about such a chance".

### *Prospects for change*

This research disclosed the deepest roots for intra-society tensions and misunderstanding prevailing between people of the same nationality and origin. The main conclusion was that Uzbek society was in deep crisis. People were unable to formulate their claims and coordinate a dialogue with the authorities, who paid very little attention to them.

There appears to be no understanding of the problem or of the ways it might be solved. No-one interviewed had any knowledge of his/her rights or what characterised immoral legislation. It seemed that people are not ready to understand that laws can be immoral and inhuman and that the practice of registration is not something people have to live with like their parents in the Soviet era.

People are not aware of other practices in the other countries of the world. All they complained about was unjust requirements for registration, but not the practice itself. They were not ready to demand changes from the State, but each of them was looking for solutions in the existing legislation. Usually people are too poor and frustrated to lose the very minimum they have, and the same applies to people working to survive rather to enjoy to life and hope for the better. As one *mardikor* remarked, he does not have enough courage to protest and demand change: the level of poverty is so high, that many have lost their self-respect, making them become stupid, limited and apprehensive. Loss of self respect prevents them speaking and acting freely. He added that with a paradigm shift in Uzbek ideology, the necessary changes would be possible, resulting in a more developed and civil society. "Nowadays we are silent, we are stupid, we are not protesting, but passively leave our places to the cities or new countries without dignity to actively protest for the empty stomach".

The research was educational for the people interviewed and the interviewers: LAS provided information on itself and the fact that, although resources were limited, people could always rely on our support or advice.

## **8.6 Domestic violence: case study<sup>106</sup>**

### *Objective and methodology*

This study focused on the problem of domestic violence because the problem is not officially recognised by the Government. Domestic violence is divided into direct and indirect violence; the latter occurring when a third party connives or fails to create conditions where domestic violence is strongly punished or to eliminate factors contributing to the development of such violence. The study concentrates mainly on indirect violence, as eliminating this will allow fighting direct violence more effectively.

Violence is not only physical or sexual abuse, but also emotional such as verbal humiliation. This definition of domestic violence allows us to look at this problem from different angles. Furthermore, domestic violence not only involves partners but also family members.

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<sup>106</sup> This Case Study is based on a fuller Case Study of Domestic Violence prepared by the Legal Aid Society Uzbekistan and contained in the CD-ROM included with this publication.

The aim is not to explore why violence occurs in the family, but to examine how poverty can affect domestic violence. Despite social class or wealth every women could be exposed to violence but we explore how social class, wealth and infrastructure can affect dealing with and fighting domestic violence.

The most problematic part of the research was collecting data and interviewing victims. The mentality of many people in this part of the world is to obscure the problems in the family, since traditionally family issues are not in the public domain. At the same time, official data is silent on cases of domestic violence and getting relevant figures was next to impossible. Interviews were rather random and their aim was to get as much information as possible and then systematise it into comprehensible and logical conclusions. An important part of the research concerns the attitude of the police with respect to the domestic violence.

### *Background to the problem*

One of the factors causing domestic violence is the low level of education and cultural background of the person committing violence against women and also the low education and culture of the victims of such violence. This factor is believed to be the most complex to deal with as it involves many other factors that will be analyzed here. Knowledge by women of their rights and well-developed infrastructure and legal conditions to support these rights in practice can significantly contribute to the decrease of domestic violence. Unfortunately none of these exists in Uzbekistan.

Uzbekistan is basically an agricultural country. From the early times agricultural villages had no or poor access to education and other public services. Women suffered from deep despair living with a family that continuously abused them and it may be asked what prevented them from divorce and why they remained silent without protesting against the behaviour of their husbands and sometimes the whole family abusing and harassing them.

A whole complex of factors affects the issue of divorce, among them traditions and poverty. Traditionally, divorce was disgraceful; moreover in Islam only men had a right to divorce their wives. In the Soviet era women were given more rights in terms of divorce but old traditions persist. A woman leaving her husband would be blamed for everything and no consideration given to the fact that she had to suffer abuses and harassments. Women have no access to property, thus they have to come back to the family of their parents. A woman coming back would bring shame on the whole family and this could further create problems for the arrangement of marriages of any brothers and sisters.

A woman from a poor family has no or very low access to education and a profession so that even if she finds a job, it is too low paid to support herself and her children alone. Women from poor families are more marginalised then those of more wealthy families. In most cases, the parents' family can barely support itself and another woman with her children can be a heavy burden. Therefore, most women suffering from abuses and harassments live in despair and have no place to go.

One of the most controversial traditions of Uzbek family relationships is the practice of the youngest son bringing his bride to live in the house of his parents. This causes many problems, and instead of a two-sided relationship and love, the couple must coordinate their lives with the beliefs and understanding of the parents. The exceptional national respect of youth for older people means that the opinion of the elders must be followed. Interviews tell of the many difficulties for the husband who becomes the centre of quarrels between the new

bride and his mother. Sometimes such situations end in violence and brutality. The most widespread problem is the husband's total and wordless obedience to his mother's position to the detriment of bride. There are many examples of domestic violence in which the whole family takes part in humiliation and harassment over the women. In 80 percent of the violent marriages mentioned the interviewees believe that living independently and alone from parents could make it much easier for both sides.

There is a combination of old patriarchal traditions with a much more modern western lifestyle. Society is divided into rural and urban populations, often with exceptions when people from the both camps may confess principles different for the majority of that particular area.

In spite of secular laws prohibiting discrimination on the grounds of gender, old and archaic traditions prevail, where the role of women is often limited to domestic issues, bringing up children and a minor professional career. Uzbek legislation does not allow any discrimination and accordingly, *de jure* women may enjoy the same rights and freedoms as those practised by men. Moreover, labour legislation guarantees preferential rights for women in cases of termination of labour contracts in cases of redundancy or vacations or necessary leaves for baby-minding etc. However, in practice such rules have the reverse affect on the position of women, since an employer envisaging future difficulties with extra guarantees for women prefers to hire. Tough family traditions and household duties also make women less attractive as employees, and jeopardises their performance in the work place hindering their career, self-realisation and independence. The most widespread problem for any woman who is educated and young is to find a proper job. Normally employers have no desire to hire young lady of marriage age. Often in interviews employers are interested in the plans of women for pregnancy. Although this is the most irrelevant question for any possible position, however this is very normal situation.<sup>107</sup>

At the same time, there is daily glorification and admiration of women and her ability to reproduce and bring up children. Women are often deemed secondary human beings and isolated from important state affairs not only because of strong patriarchal traditions but also because the State gives less and less rights and opportunities to women.

#### *Cases of violence*<sup>108</sup>

The victims of violence interviewed included different kinds of women: younger and older, those who were married in love or so called arranged marriages. In all cases there were different stories, people and perceptions. Some were victims of severe cruelty and some were more lucky and beaten rarely. But the main conclusion is that the women are ready to accept male cruel education methods for better and happy future for themselves and their children. A number of cases are described in the Annex to this chapter).

Poor education and archaic traditions have contributed a lot to understanding that man is powerful and unlimited in his right to form family relationships with no respect to women and her needs. In the majority of interviews, women expressed understanding and respect for

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<sup>107</sup> Natalia presently occupies a high position in a large multinational company. At the time she joined the company many years ago, the management asked her to sign a paper prohibiting her to give birth in the next three years. She did not want to sign that paper but the situation on the labour market left her no choice but to agree to this humiliating condition for any woman.

<sup>108</sup> Many additional cases of violence are contained in the full LAS Case Study on Domestic Violence included in the CD-ROM.

the decisions of men. Thus one young woman stated that men must be responsible and must be the breadwinner, must be firm with children in order to give them a proper education and good morals, and be loving but at the same time demanding and if necessary cruel to their wife. Another woman expressed the view that beatings and a severe education for women who was suspected of unfaithfulness is good and normal for maintaining high standards for the family. She argued that cruelty may resolve problems in the family and that couples know best how to manage their relationship. She was shocked asked by the interviewer: “Why don’t you beat your husband when he is unfaithful to you or you suspect him of other wrongdoings?” The lady could not understand how a wife could beat her husband and why the duty and care for the family and decision-making could belong to women.

These stories demonstrate a mentality which despite suffering and humiliations does not exclude male supremacy with the features of cruelty. It would appear that the main difference with cases of violence in western countries is that women do not accept violence whereas Uzbek society justifies reasonable violence.

Not all women remain passive when confronted with a violent person next to them. One woman who was systematically beaten by her husband and finally raped by one of his friends, applied to the police, seeking protection. In this case the police quickly initiated the criminal investigation and within a month submitted the case to the court, and both husband and his friend were sentenced to jail. After she applied to the police, the husband and his friend asked her to withdraw the application, but she refused to do so.

### *Suicide*

Suicide is often the result of the violence, hopelessness and unbearable pain suffered by many women. The economic conditions which are often at the root of the situation are the increased poverty in rural areas without social security and other support and with women seen as responsible for housing, food, etc. Many victims of violence complain that low income and miserable life makes their husband angry and nervous with frequent brutal fights and beatings.

#### **The story of Kholida**

Kholida who is 37 years old came to Tashkent as a *mardikor* tells her story: “My husband is a driver in Kashkadariya oblast of Uzbekistan. His work is with different employers with an unstable income for planning the budget. Usually he is without work, angry with the whole world and himself. Every second he finds the only guilty person is me. He pushes me, yells at me and beats me. I know that the reason is his misfortune and no work. He is angry about everything even me being his wife. Often he beats the children when they ask for food, sweets, toys etc. When we no food but bread and tea, he believes that there must be something even though there is nothing to eat. I was about to commit suicide, especially in when my children are sick and I have nothing to buy them, no medicine no fruits, nothing. Indeed, suicide was the next step to take. I did not know what to do, I did not know how to change the life”.

This is the story of women who was about to commit suicide, but there are hundreds of others who really did do it.

Suicide or attempted suicide is the worst outcome of domestic violence. Women commit suicide and this is taken as a form of protest against violence as there are no others. The tradition of suicide in Uzbekistan is very much differs from that in other parts of the world. Shockingly, Uzbek women, women in some Tajik provinces and in parts of India, choose to

end their lives by burning themselves publicly or when they are alone. There are no words to describe the horror of young women running in pain, burnt and falling down on earth in deadly suffering. There is no power to analyze the situation and what has forced them to do that.

Obviously such a terrible option comes to the idea of protest and declares martyr life. Surely a woman who does not want to leave this life quietly wants to say something she could not say alive. She could not say when the society could do something and save her life. Or there are so many such stories around that society became blind to them, became indifferent and men continuing to imitate mistakes of the past. Why Uzbek people have no brave to talk about it, to investigate and try to find answers.<sup>109</sup>

### *The role of the police*

The corrupt and passive police are afraid to “distort” criminal indexes and reporting of progress by numerous family related issues. One interviewee was raped by her husband and beaten a few times. The wife asked the police for the help but they tried to convince her that quarrelling is normal everywhere and that they could not waste time by mitigating between couples. The story ends with dangerous cranial injury

The police often humiliate the victims of domestic violence and women have little trust in the police. For many women, the image of policemen is associated with well known instances of violence in the police jails and investigating offices. Not all women are ready to call for the police, because they are well aware of the poor conditions in the jails, tuberculosis and torture. Many victims are not prepared to have the father of their children imprisoned and thus lose even the most miserable assistance the husband provides. They believe that jail and police are not the solution but make their life and relationships with the relatives of their husband even more difficult.

#### **The story of Svetlana**

Svetlana said that she had to recount five times the sexual humiliations and rape by her husband to different investigators of Yunus Abad district police department, as if they wanted to verify whether the story was true. She re-lived the horror every time. She described the unbearable feeling when retelling it to different and unknown people, who were not in a hurry to help her, but listened sceptically and indifferently. After those five interviews Svetlana decided to stop visiting the police and forget the story. She finally lost confidence in the police and it confirmed her impression of injustice and indifference.

In some cases the police make a real contribution to the resolution of problems between couples, but that this is not always the case. It depends on the person and his/her personal understanding of the problem. Many police people do not understand that rape and violence in family as a crime and they do not have the necessary training.

### *Summary and conclusions*

While this research did not focus on age, social-economic or educational distinction of the persons interviewed, the victims were very much under the influence of their socio-economical situation. Often poor people justified or explained their passiveness with generally understandable economical issues. They argued that poverty, unemployment, low social security etc. did not contribute to their willingness to live independently or call to

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<sup>109</sup> LAS Domestic Violence Case Study, pages 18 – 19.

police. They are dually threatened, from inside by the family and outside by the economic and social situation. In addition, other common factors such as the tradition of Uzbek families when the youngest son brings the bride to live with his parents contribute to the problem.

The research identified the following characteristics as inherent in enabling men to be violent:

- Men don't believe in life without violence, and apply "educational" forms of violence;
- They are very much under the influence of patriarchal traditions in which the role of the man is superior;
- They often practise aggression in sexual relationships;
- They do not understand how serious are their offences;
- They are ready to attribute their sins to others, sincerely believing they are right.

The study revealed that, on the contrary, the victims have the opposite features. They do understand and accept their mistakes; they are not sure of themselves and finally are ready to accept any aggression as payment for their bad behaviour.

The problem of domestic violence is complex and affected by many different factors, such as financial position, low culture or education and problems arising from childhood and many others. Often, the poor economic situation of the woman makes her a hostage of the violent family – but also became hostage to the socio-economic situation because single and divorced women often with children have little chances of surviving. In fact, single mother prefer to suffer pain rather than risk the life of her children and be alone face to face with poverty, low social security and unemployment.

This research showed that all women despite social class, economic welfare, colour of skin or origin are vulnerable to domestic violence; however, how they resist or stop being violated depends on the whole complexity of issues where social and economic welfare plays a crucial role. Social security, an effective economic system and wide opportunities for women leave far less scope for domestic violence to be systematic and treated as a normal phenomenon in the society.

The Government's recent economic reforms, corruption at all levels, the poor social security system and low development of infrastructure all add to the problem of domestic violence. Pretexting temporary economic problems, the State has abandoned the arena of social welfare. Today there is not a single agency directly addressing the problems of violent families. The authorities have failed to state their position and develop a programme. The State passes the topic over in silence and ignores any active measures.

Partly this ignorance is dictated by lack of free speech: the poor human rights record of Uzbekistan prevents discussion of this problem and people do not know what to do and how important the problem of domestic violence is. The mass media, supposedly responsible for regulating and educating people, is not free to do so but is free to glorify the power, the State and to illustrate success and happy stories only.

The Government, together with the civil society, should create an environment that allows rehabilitation of women suffering from violence and to support women suffering from violence, for instance special shelters for violated women where they can spend at least one night. Such institutions can provide support and advice. One obstacle is that the residents of a particular territory are not allowed to rent an apartment or take a room in the hotel in the same area.

The notion of a shelter is related to broader issues of financial and economic independence. The majority of women in Uzbekistan are either unemployed or financially dependent on income received by the husband. The low level of state support for single mothers and the reduced economic opportunities for women do not provide an alternative. Changing the position of women will require deep social and economic reforms. When women are free and financially independent many problems will be resolved on their own.

The State should also create the necessary legal framework reforms on the relationships in the family and introduce the necessary changes. Brutality in other families makes women believe it is normal. Women suffer in silence before violent and strong men and legislation does not provide any remedy but criminal punishment. Criminal prosecution is not always adequate to every situation. The perception with respect to domestic violence of the police requires urgent intervention since the absence of special skills, and training makes the police efforts miserable and poor.

The problem of indirect domestic violence – third party connivance or even tolerating it - is not recognised as such by the Government and almost no measures have been taken to improve this situation. The structures that have been created by the authorities have in the most cases worsened the situation as those structures force women to be patient. In addition, governmental agencies carry out awareness raising campaigns that are mainly related to improving old habits and traditions that partially and indirectly contribute to domestic violence. Government steps should concentrate on creating and developing the economic and legal basis for a solution to the problem.

Civil society has an important role to play in the creation of crisis centres, education of women about their rights and providing opportunities to learn new professions that are more in demand.