CHAPTER IV

Human Rights Situation in Uzbekistan
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Uzbekistan is situated in the middle of Central Asian region, thus occupies a special place in Central Asia. It is bordered by Kazakhstan on the North and West, Turkmenistan on the South-West, Afghanistan on the South, and Tajikistan and Kyrgyzstan in the East. The topography of Uzbekistan is highly diverse. Like other Central Asian Countries, Uzbekistan has a dry climate with little rainfall - hot summers and cool winters. Its mineral resources include oil, natural gas, coal, copper, and gold. Uzbekistan is the most populous country among the Central Asian states. Estimated population was 25.10 million in 2001. Uzbekks are the largest Turkic-speaking group after the Turks themselves; apart from their own republic, they also live in Kyrgyzstan, Tajikistan, Turkmenistan, and Afghanistan, Uzbeks are Sunni Muslims. And In Uzbekistan, the ethnic Uzbeks account for 69 percent of the population. Russians represent about 11 percent, and other nationalities include Ukrainians, Koreans, Armenians, Kazakhs, Tajiks and Kara-Kalpak, who have autonomous region. Uzbekistan has a rich and long history, and Uzbeks lived in the Central Asian region for many hundred of years.

The history of Uzbekistan covers more than 2.5 millennia. During this period, various ancient states rose and fell in Central Asia such as, Bacteria, Khorezm, Sogdiana and Parthia. However, the regions

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1 Encyclopedia of Modern Asia, Vol.6, New York, 2 002, p 42.
2 Lands and People, Volume 02, Danbury, p 351.
fortunes changed for being the located at the vicinity of great silk route. During the transition Zoroastrianism, Buddhism, and Christianity were the dominant religions of the region, till 7th Century CE. Islam however, became wide spread in the territory of modern Uzbekistan in the 8th century, and since then it has been the dominant religion of both nomadic and settled peoples of Central Asia. In the seventh century CE, Arabs conquered Central Asia under the leadership of Qutaybah ibn Muslim (d.715), and then conquered region became the part of the great Islamic Caliphate. Qutaybah gave a new Philip to the comprehension and understanding of Islamic values through the construction of Mosques, establishment of Madrasas, libraries, seminaries and reputed Islamic institutions. Islamic heritage as such, reached climax in Uzbekistan as compare to other parts of the Central Asia. Even the area was generally known to Arabs as ‘Mawar-un-Nahar’, Central Asia and Uzbekistan are the later names given to the region. Since then, the Uzbekistan became a leading centre of scientific and intellectual developments. With the establishment of reputed centers of Islamic heritage at Bukhara, Smarkand, and Khiva which resulted in the development and codification of both Islamic sciences and technology. Scholars like, Al-khorezmi, Al-burani, Ibn Sina, Imam Bukhari, Imam Muslim, Niss’ai, Tabari, became the torch bearers of scientific accomplishments. Coupled with this the above mentioned states where also leading centers of scientific exploration.4

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3 Encyclopedia of Modern Asia, p. 50.
4 Lands and People, p.352.
Scientific advances of Muslim scholars of Uzbekistan, however did not last long given the annexation of Central Asia to Russia in 18th Century. During the Czarist rule, Muslims in Central Asia underwent unprecedented persecution; mosques were destroyed and turned into warehouses and official stores. Scores of Mullahs were liquidated and imprisoned. Muslims were subjected to all sorts of discrimination. Islam was considered a mortal enemy because of strong resistance involving several rebellions inspired and led by Muslim religious leaders. Stalin, the Secretary General of the Soviet Union from 1924 to 1953, strictly controlled Islam and regulated Islamic practice through state laws and regulations which included invalidating Muslim law, abolishing Shariah courts, confiscating waqfs and closing Maktabs and Madrasas (schools). Many mosques were closed and the Islamic clergy persecuted. Soviet officials confiscated religious property and either placed mullahs under strict government control or forced them out of their religious positions. After early concessions to the Muslims to win support for the Soviet Union, the Soviet government viewed Islam as a political and ideological threat and set out to destroy it; Mullah's as Islamic teachers were considered a primary threat to the Russian and the Soviet State. Given the harsh treatment meted out to the Muslim population of the region, human rights violations became the order of the day. Muslims were subjected to all sorts of harassments and


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religious subjugation. However, in 1985, when Gorbachev came to power, he set out to transform Soviet society through his policies of perestroika (radical economic restructuring and reform), and glasnost (openness). Though intend to remedy socio-economic and political ills in the country, Gorbachev's glasnost became an official vehicle for the expression of ethnic, linguistic, cultural environmental and religious grievances that had not been addressed openly in the recent decades, as a result, independent Islamic observance emerged, and the question of religious freedom in Uzbekistan was boldly flagged.

Subsequently, with the disintegration of the Soviet Union, Uzbekistan announced its independence from USSR in 1991. After the collapse of the USSR, the Central Asian States for the first time in their history faced a challenge and possibility of determining their own independent national policies. The collapse of communism left many segments of society without any particular direction. This created an opportunity for the old nomenclature system of the communist trained and conformist minded people to remain in power. The understanding of the ruling elite that the implementation of a new system would require new methods of government, made them realize that if such new system would come to exist, the need for their presence in power will disappear. Therefore, the personified regime of President, Islam Karimov and others were quick to link the future

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8 The Golden Road to Smarkand, p. 25.
9 Central Asia Since Independence, pp 22-23.
10 Uzbekistan's President, Islam Karimov, has a well-deserved reputation as one of the former Soviet Union's most brutal dictators. What is less appreciated, however, is his role as a master political ironist. Born in 1938, he trained as an engineer and economist, rising
of their people and their newly independent states with their personalities. As such, the mythical hopes of free elections and if difficult, but at least a future without repression, soon vanished under the exercise of state repression by the regime of President Karimov. Although all the central Asian republics have their own Constitution, which outlines a parliamentary system with guarantees for basic Human Rights and political and economic freedom, the respective governments maintained strict control over the country's institutions and population. Soon after independence, in the year 1992, Uzbekistan also adopted a Constitution\(^\text{11}\) consists of a preamble through party structures to become President of the Uzbek Soviet Socialist Republic in 1990. His hardliner instincts lead him to support the anti-Gorbachev coup in 1991. But when it became clear that it had failed he opportunistically sides and declared Uzbekistan independent.

\(^{11}\) According to the Uzbek Constitution, the highest legislative body is the *Oly Majlis* (Supreme Assembly), comprising 250 deputies. It is elected for a term of five years. Parliament may be dissolved by the President (by agreement with the Constitutional Court). The *Oly Majlis* enacts normal Legislation and Constitutional Legislation, elects its own officials, the judges of the higher courts and the Chairman of the State Committee for Environmental Protection. It confirms the President's appointments to ministerial office, the procuracy-general and the governorship of the Central Bank. It must ratify international treaties, changes to borders and presidential decrees on emergency situations. Legislation may be initiated by the deputies, by the President, by the higher courts, by the Procurator-General and by the Autonomous Republic of Karakalpakstan. The President of the Republic, who is directly elected by the people for a five-year term, is Head of State and holds supreme executive power. An individual may be elected President for a maximum of two consecutive terms. The President is required to form and supervise the Cabinet of Ministers, appointing the Chairman (Prime Minister) and Ministers, subject to confirmation by the *Oly Majlis*. The President also nominates appointment to the higher courts and certain offices of state, subject *Oly Majlis*. The President appoints the judges of the (governors) of the regions. Legislation may be initiated, reviewed *Majlis* by the President, who must promulgate all laws. The President may dissolve the *Oly Majlis*. The President is also Commander-in-Chief of the Armed Forces and may declare a state of emergency or a state of war (subject to confirmation by the *Oly Majlis* within three days). The Cabinet of Ministers is the Government of the country, subject to the President, who appoints its Chairman, Deputy Chairman and Minister, subject to the approval of the Legislature. Local Government is carried out by elected councils and appointed *Khokims*, the Latter having significant personal authority and responsibility. The
and 6 main divisions, including 26 chapters and a total of 128 articles dealing with the sovereignty of the republic, civil rights, the social contract, and the division of the government into legislative, executive, and judicial branches. The Constitution describes Uzbekistan a secular, democratic state in which “the people are the sole source of state power” and in which the highest organ of power is the legislature. However, in practice the actual functioning of the government is better described as a unitary, presidential system in which the executive exercises extensive authority over the other branches of government. The Constitution also provides numerous rights guarantees, including freedom of speech, assembly, and religion; gender and ethnic equality; and property rights. However, these rights are frequently violated in practice. The government has continued to justify their crackdown on any opposition as an effort to ensure stability and progress. Because the Central Asian states that emerged from the break-up of the USSR have been ruled in a definitely authoritarian manner from the very beginning, as such, their leaders reinforced their positions by eliminating political opposition. Beatings, harassment, jailing, torture and persecution
have virtually eliminated public protests in Central Asia in general and Uzbekistan in particular.

Despite the end of communist era the Uzbek government has made little progress in moving away from the Soviet Style repression of human rights, especially religious freedom, despite largest and most devote Muslim population in the region. Independent Uzbekistan’s President Islam Karimov, upholds Islam as an ideological and political threat and warns that, “Islamic activist or fundamentalists are trying to destabilize his regime. Such people must be shot in the head. If necessary, I will shoot them myself”. In the backdrop of this, Karimov ordered a crackdown against un-official, independent Islamic worship and imposed state sponsored, or official Islamic observance. This suppression and subjugation of Independent Islamic adherence to the state violates the Uzbek Constitution and international human rights standards, vis-à-vis Islamic norms of protecting religious freedom, including the right to practice one’s religion, the right to religious education, and right to teach and lead religious worship without unauthorized state interference or involvement. The Islamic leaders are often harassed by the police. Even, the government has expelled female University students who choose to wear traditional Islamic dress which is not encouraged by the state. Other violations of right to freedom of religion include the

restriction on the distribution of Islamic religious materials, controlling the training, appointing, and electing of religious leaders, forcing the religious leaders to pass a political test as a pre-requisition for employment. The Uzbek government has increased its official restrictions against independent Islamic worship since 1996, and enacted laws, amendments and decrees of particular relevance. Under these provisions, the government began closing all mosques and Islamic primary and secondary schools, not registered. Thus failed to provide any legal justification, for imposing this burden-some and arbitrary restrictions. In the words of Shireen Hunter a renowned Central Asian scholar, 'Secularism in Uzbekistan means subordination of religion to the state, rather than separation'.

The Uzbek government's official distaste for Islam as an 'Ideological Rival' does not qualify as a legal restriction under Article 18 (3) of the International Covenant on Civil and Political Rights and from other side, does not conform Islamic charter of human rights as well. Moreover, by arbitrarily closing Islamic religious schools, without legal justification also does not conform to the authorized limitations

17 Central Asia Since Independence, p 60.
set forth in Article 18(3) and violates Article 18(4) of ICCPR. The above, mentioned, human rights violations not only confront to the Islamic spectrum of human rights, and the other international standards of religious freedom established by the UDHR, the UDHR, the ICCPR, and the DRID, but also disregard the Uzbek Constitutional protections. As Article 31 of Uzbek Constitution provisions explicitly guarantees freedom of religion, and protects the right to manifest a religion. The state illegitimately subjugates religion to the state apparatus in order to perceive one political goal of eliminating any potential Islamic political power and one personal goal of retaining power at all costs.

In preview of violation of the freedom of religion, gave birth to other human rights violations as well. Therefore, Uzbek Government had almost failed to protect human rights of its citizens. The government’s poor human rights record worsened, particularly, after the events of September, 11th, 2001, and when Uzbekistan became strategic partner of the United States in the region, the government continued to

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20 International Covenant on Civil and Political Rights (ICCPR). 16 December 1966, Article 18(3).
21 Universal Declaration of Human Rights (UDHR). was adopted by the United Nations General Assembly on December 10, 1948.
22 Universal Islamic Declaration of Human Rights (UDHR). was adopted by the Organization of Islamic Conference on 21 Dhul Qa'dah 1401, 19 September 1981.
23 International Covenant on Civil and Political Rights (ICCPR). 16 December, 1966
commit numerous serious abuses. Besides this fact that, the Uzbek state guarantees these rights under Section II (Chapter V-X) of its Constitution which are as follows:

**Chapter V: General Provisions:**

All citizens of the Republic of Uzbekistan have equal rights and freedoms and are equal before the law regardless of differences in gender, race, nationality, language, religious, social heritage, convictions, and person or social position. Privileges may be established only by law and should be accord with the principles of social justice. A citizen of the Republic of Uzbekistan and the government are bound by mutual rights and mutual responsibilities. The rights and freedoms of citizens secured in the Constitution and laws are unwavering, and no one has the right without a court to deprive or limit them. A citizen's exercise of rights and freedoms may not violate the lawful interests, rights, and freedoms of other people, the government, or society.

**Chapter VI: Citizenship:**

There is established in the Republic of Uzbekistan, for the entire territory of the republic, a single citizenship. Citizenship of the

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Republic of Uzbekistan is equal for all, without regard to the grounds of its acquisition. A citizen of the Republic of Karakalpakstan (autonomous region) is simultaneously a citizen of the Republic of Uzbekistan. The grounds for and procedure for acquisition of or loss of citizenship are established by law. The Republic of Uzbekistan guarantees legal defense of and patronage of its citizens both on the territory of the Republic of Uzbekistan and abroad. Foreign citizens and stateless persons located on the territory of the Republic of Uzbekistan are ensured rights and freedoms in accordance with the norms of international law. They carry obligations established by the Constitution, the laws, and the international treaties of the Republic of Uzbekistan.

Chapter VII: Personal Rights and Freedoms:

The right to life is an inalienable right of every person. Infringement on this right is a very serious crime. Each person has the right to freedom and personal inviolability. No one may be subject to arrest or detention other than on legal grounds. Anyone accused of a crime is considered not guilty until her or his guilt is established by legal procedure in the form of an open court trial in which she or he is provided with all possibilities for defense. No one may be subjected to torture, violence, or other cruel or humanly degrading treatment. No one may be subjected to medical or scientific testing without her

32 Constitution of the Republic of Uzbekistan, Article 22.
33 Constitution of the Republic of Uzbekistan, Article 23.
35 Constitution of the Republic of Uzbekistan, Article 25.
or his consent. Each person has the right to defense from encroachments on her or his honor and dignity, interference in her or his personal life, and the inviolability of her or his home. No one has the right to enter a home, conduct searches or surveillance, or violate the privacy of correspondence and telephone conversations other than in the circumstances and through the procedures anticipated by law. A citizen of the Republic of Uzbekistan has the right to unrestricted movement on the territory of the republic and unrestricted entry into the Republic of Uzbekistan and exit from it, with the exception of limitations established by law. Each person has the right of freedom of thought, speech, and belief. Each person has the right to seek, receive, and disseminate any information, with the exception of information directed against the existing constitutional order and other limitations established by law. Freedom of opinion and the expression of opinion may be limited by law for reasons of state or other secret. All governmental organs, social associations, and officials of the Republic of Uzbekistan are obligated to provide citizens with the opportunity to examine documents, decisions, and other materials affecting their rights and freedoms. Freedom of conscience is guaranteed for all. Each person

37 Constitution of the Republic of Uzbekistan. Article 27.
has the right to practice any, or no, religion. Forced imposition of religious views is not permitted. 41

Chapter VIII: Political Rights:

Citizens of the Republic of Uzbekistan have the right to participate in the management of the affairs of the society and of government both directly and through their representatives. This participation is effected through self-government, referenda, and the democratic formation of governmental organs. 42 Citizens have the right to effect their social activeness in the form of protests, meetings, and demonstrations in accordance with the law of the Republic of Uzbekistan. Organs of power have the right to suspend or prohibit the holding of such events only on grounds of consideration of security. 43 Citizens of the Republic of Uzbekistan have the right to associate in professional unions, political parties, and other social associations, as well as to participate in popular movements. No one may abridge the rights, freedoms, or dignity of persons who are represent an opposition minority in a political party, social association, popular movement, or representative organ of power. 44 Each person has the right, both individually and as part of a group, to submit applications, proposals, and complaints to competent governmental organs or institutions, or to popular representatives.

42 Constitution of the Republic of Uzbekistan, Article 32.
43 Constitution of the Republic of Uzbekistan, Article 33.
44 Constitution of the Republic of Uzbekistan, Article 34.
Applications, proposals, and complaints must be reviewed according to the procedure and in the time established by law.45

Chapter IX: Economic and Social Rights:

Each person has the right to own property. The privacy of bank accounts and the right of inheritance are guaranteed by law.46 Each person has the right to work, to choose work freely, to just conditions of work, and to defense from unemployment through the procedures established by law. Forced labor is not permitted, other than as part of the process of fulfillment of a punishment decided by sentence of a court or in other circumstances anticipated by law.47 Hired employees have the right to paid relaxation. The length of the working day and the length of a worker’s paid holiday are determined by law.48 Every person has the right to social support in old age, in event of loss of ability to work, in event of loss of a provider, and in other cases anticipated by law. Pensions, allowances, and other forms of social assistance may not be lower than the officially established sustenance minimum.49 Every person has the right to professional medical care.50 Every person has the right to education. The government guarantees free general education. School affairs are under the oversight of the government.51 Each person is guaranteed freedom of scientific and technical creation and the right to use cultural

achievements. The government cares for the cultural, scientific, and technical development of society.\textsuperscript{52}

**Chapter X: Guarantees of the Rights and Freedoms of the Persons:**

The government ensures the rights and freedoms of citizens which are secured by the Constitution and laws.\textsuperscript{53} Each person is guaranteed judicial protection of her or his rights and freedoms, as well as the right to appeal in a court of law the unlawful acts of governmental organs, officials, and social associations.\textsuperscript{54} The rights of minors, those unable to work, and the single elderly are protected by the government.\textsuperscript{55} Women and men have equal rights.\textsuperscript{56}

Notwithstanding to this and other International declarations/covenants as well as tenets of Islam, the different kinds of human rights violations are going on. And, they can be summarized as under:

i) **Freedom of Political Participation:**

Uzbek's do not have the right to change their government as President Karimov was elected in 1991 in a rigged election. He has remained in power by using the police and army to repress all dissent. He has maintained the old repressive system of the former Soviet Union wherein, opposition parties are illegal, and hence there

\textsuperscript{52} Constitution of the Republic of Uzbekistan. Article 42.
\textsuperscript{53} Constitution of the Republic of Uzbekistan. Article 43.
\textsuperscript{54} Constitution of the Republic of Uzbekistan. Article 44.
\textsuperscript{55} Constitution of the Republic of Uzbekistan. Article 45.
\textsuperscript{56} Constitution of the Republic of Uzbekistan. Article 46.
is no real democracy in Uzbekistan. Citizens cannot exercise their right to change their government peacefully. The government has not permitted the existence of an opposition party since 1993. Election law's restricts the possibility of any real opposition parties arising or mounting a campaign. Minor changes enacted in August to the Presidential, parliamentary, and local election laws did not ensure that future elections would be free and fair. There were credible reports that security forces committed killings. Security forces mistreatment resulted in the deaths of several citizen's in custody. Police and NSS forces beat, tortured and harassed persons. The security forces arbitrarily arrested or detained human rights activist, pious Muslims, and other citizens on false charges, frequently planting narcotics, weapons or forbidden literature on them. The country reports realized in 2002-2003 imply some of the toughest language, about any country, describing Uzbekistan as an authoritarian state with limited civil rights, elections that are neither free nor fair and despite Constitutional guarantees with no separation of powers. As per the human rights record, the police and national security services in numerous serious human rights abuses include the use of torture, harassments, and beating leading to several deaths in custody. This is all being done by the Karimov to retain his authoritative regime.

57 The Human Rights Encyclopedia, Volume 02, p 566.
The Presidency, the most important political office in Uzbekistan, has been dominated since before independence by formal head of the Uzbek Communist Party Islam Karimov till date. Although, Uzbek Constitutions identifies the country as a "Democratic Republic" and contains broad outlines of processes for electing the President and members of Parliament. Moreover, electoral processes in Uzbekistan are overseen by the Central Electoral Commission (CEC), a 14-member board established by the Uzbekistan legislature on the advice of the President. While the (CEC) is described as independent, it in fact functioned since its establishment as an extension of the executive branch. In addition to the Constitution, elections to Uzbekistan's legislature are governed by the Law on Parliamentary Elections (adopted in 1993 and amended in 1997 and 1999). The right to nominate legislative candidates is reserved for registered political parties. Political parties are required to satisfy the additional condition of being registered with the Ministry of Justice no less than six months prior to an election and having collected 50,000 voter signatures in support of the party's participation. Provisions regulating the registration of political parties severely limit the development of new parties and circumscribe any real competition for political power. Registered parties are typically pro-government in their orientation. No party advocating fundamental change in the nature of society has been allowed to register since independence. And, the candidates who are not nominated by the registered political parties face significant difficulty in collecting the required number of signatures to run unless they have the support of local authorities.
They also encounter significant difficulty during the signature verification phase. According to leading international monitoring institutions, elections in Uzbekistan at the parliamentary and presidential levels have been characterized by significant violations of the country’s electoral laws and as falling far short of accepted international practices. Genuine political competition does not exist, discussions of competing policy alternatives are actively suppressed (including in the media), and the population as a whole is disengaged from the political life of the country.

Notwithstanding this, Islam fully recognizes the right to freedom of association and formation of organizations or parties. As is quite clear from this verse of Holy Qur’an, “Let there arise out of you a band of.... Dreadful penalty”. It means that, populace are free to organize meetings and utilize all other ways of association. But, it should be exercised for propagation of virtue and righteousness and should never be used for spreading evil. In the history of Islam, during the Caliphate of Hazrat Ali (RA), Kharijities used to abuse the Caliph

60 The dominant party in Uzbekistan is the pro-government People's Democratic Party, the successor to the Communist Party. Other registered parties include the Fatherland Progress Party, the Adolat Social Democratic Party, the Democratic National Rebirth Party, and the Self-Sacrificers Party. Although these parties typically have policy priorities they support, they do not seek to win control of the government. Functioning more as interest groups than as genuine, competing political parties, they help create a false sense of political pluralism in the country. In sharp contrast, true opposition parties in Uzbekistan have not been allowed to register since independence and frequently are subject to harassment. In the early years of independence, the Ministry of Justice refused to register the Islamic Renaissance Party (IRP) and Adolat on the grounds that their programs and ambitions violated the constitutional mandate on the separation of religion and state and the 1996 Law on Political Parties. Uzbekistan's most well-known opposition parties are Erk (Liberty) and Birlik (Unity). Neither group has ever been able to operate freely in Uzbekistan. Uzbekistan, Nations in transit, Freedom House, 2004

61 Al-Qur'an, Al-Imran: 103-104.
openly and threatened him with murder. Whenever they were arrested for these offences Hazrat Ali would set them free and tell his officers; "As long as they do not actually perpetrate offences against the state the mere use of abusive language or threat of the use of force are not such offences for which they can be imprisoned. The freedom which Hazrat ‘Ali gave to the opposition has no parallel in human history. He did not arrest even those who threatened him with murder." It is evident, from these holy verse and saying of Prophet mentioned above that, if an individual or a group of people or a party usurps power and after assuming the reins of authority begins to tyrannize individuals or groups of men or the entire population of the country then to raise the voice of protest against it openly is the God-given right of men and no one has the authority to usurp or deny the right.

Similarly, Universal Islamic Declaration of Human Rights also provides Right and Obligation to participate in the Conduct and Management of Public Affairs," Subject to the Law, every individual in the community (Ummah) is entitled to assume public office. Process of free consultation (Shura) is the basis of the administrative relationship between the government and the people. People also have the right to choose and remove their rulers in accordance with this principle.

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64 Universal Islamic Declaration of Human rights, 1981. Article XI.
In addition, the Universal Declaration of Human Rights also guarantees the freedom of political participation.\textsuperscript{65} From the above facts, it is quite evident that President Karimov, despite Constitutional guarantees of political freedom in the country itself together with the international standards related to the said right as laid down by the UHDR, and the UIDHR, the Uzbek regime has shown a little willingness for the implementation of these universally accepted norms of Human Rights.

\textbf{ii) Freedom of Speech:}

The government doesn’t protect freedom of speech. Newspapers in Uzbekistan are under state control, and Journalists don’t publish articles critical of the government.\textsuperscript{66} Although, the Constitution provides for “freedom of thought, Speech, and Convictions”, the government continues to limit these rights severely. A 1991 law against “offending the honour and dignity of the President” limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the government in public.\textsuperscript{67} The country reports released in 2002-2003 also stated that government of Uzbekistan severely restricts freedom of speech and

\textsuperscript{65} Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will, shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures, \textit{Universal Declaration of Human Rights}, Article 21.

\textsuperscript{66} \textit{The Human Rights Encyclopedia, Volume 02}, p.567.

\textsuperscript{67} Uzbekistan Basic Facts: \url{http://www.nationbynation.com/Uzbekistan_Human.htm}
the press, and unsurprisingly, the overall judgment of the reports was that Uzbek governments' human-rights' record remained very poor.\textsuperscript{68} Freedom of the press was controlled by administrative measures in pursuance to the legislation passed in 1993 proclaimed as 'protect state secrets, and by virtue of this legislation, the state controlled the supply of papers and printing facilities.\textsuperscript{69} Therefore, the local press, Radio and TV are subjected to Censorship. Russian News Papers are either unavailable or printed with gaps (instead of critical articles there are numerous advertise). Russian and foreign correspondents are refused accreditation.\textsuperscript{70} This is all being done by the Karimov to retain his authoritative regime. As can be inferred from the Karimov's statements that local Journalist were 'toothless'\textsuperscript{71} and remarked strongly that "the press and television carry no profound analysis or serious political, economic or international review, there is no debate... Many Journalists are still bound up in the old ways of thinking.... We must fundamentally alter our attitude to criticism in the press. The reaction should not take the form of administrative pressure on a journalist or editorial boards, as sometimes happen. On the contrary we must do everything to encourage that help us rid ourselves of our short comings... You should know that if there is criticism in the press and you (officials)

\textsuperscript{68} \textit{Human Rights and Counter Terrorism in America's Asia Policy}, p. 37.
\textsuperscript{70} Annette Bohr, "Uzbekistan-Politics: Foreign Policy, Internal Affairs", \textit{Russia and the Muslim World}, Institute of Oriental Studies, Moscow, 2000, P. 41
\textsuperscript{71} Izvestia (News), Moscow, 28 February, 1996.
come down on it the next day. Then you won’t keep your job for long.\textsuperscript{72}

On contrary, right to expression has been given an important place in the teachings of Islam. No man can be forbidden from expressing himself unless it is harmful or against the injection of the Islam or it causes corruption to the social or ideological welfare. Thus, Islam gives right of freedom of thought and expression to all human beings. This freedom of expression is not only granted when there is some tyranny against them. But the citizens of the Islamic state are free to have different opinions and express themselves regarding various issues. There are scores of instances which signify the freedom of thought and expression that prevailed in the ideal Islamic society under the leadership of the Prophet \textsuperscript{72}. This atmosphere of free expression of opinion without any fear continued after the demise of Prophet \textsuperscript{72} as well. Caliph Umar (R.A) and Abu Bakar (R.A) invited people to criticism in their speeches everywhere and the people criticized them without hesitation.\textsuperscript{72} The right of expression is not theoretical in Islam; it has practical application, as any other right. The freedom of expression in Islam gained great momentum, that personal opinion (\textit{Ijtihad}) became one of the important sources of the Islamic Jurisprudence.


\textsuperscript{72} Tahir Mahmood, (Ed.), \textit{Human Rights in Islam}, p.61.
Right to Freedom of Belief Thought and Speech has found prominent place in the Universal Islamic Declaration of Human Rights, it says that, "every person has the right to express his thoughts and beliefs so long as he remains within the limits prescribed by the Law. No one, however, is entitled to disseminate falsehood or to circulate reports which may outrage public decency, or to indulge in slander, innuendo or to cast defamatory aspersions on other persons."  

Ironically, Uzbekistan being a Muslim majority state and member of the prestigious organization OIC, the Uzbek regime not only violates its own Constitution but also the UIDHR and as well as the Universal Declaration of Human Rights, which guarantees the freedom of expression and not to the talk of Islamic teachings and injunctions as laid down in the Qur'a'n and sayings of His Prophet ( ﷺ) itself.

III) Criminal Justice and Rights of Prisoners:

Along with other human rights abuses, the treatment meted out to prisoners is no less an exception. Prison conditions are bad, detentions prolonged, arrests often arbitrary, and there is no due process. Conditions are worse for male than for female prisoners. Due to limited resources, prison over crowding is also a problem. Human rights activists reported that the incarceration of 10 to 15

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74 Universal Islamic Declaration of Human Rights. Right to Freedom of Belief, Thought and Speech, Article XII.
75 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Universal Declaration of Human Rights, Article 19.
76 Human Rights and Counter Terrorism in America's Asia Policy, p.37.
people in cells designed for 4 is common. Tuberculosis and hepatitis are widespread in the prisons, making even short periods of incarceration potentially deadly. Reportedly there is severe shortage of food and medicines during the period between arrest and trial. Defendants are almost kept in pretrial detention which even last as long as two years. Political and religious prisoner's often are not allowed to visitors or any other form of contact with family and friends. The government does not permit prison visits by human rights monitors, such as International Committee of the Red Cross. Police and NSS forces infringed on citizen's privacy, including the use of illegal searches and wiretaps. Those responsible for documented abuses rarely are punished. The process by which law enforcement agents carry out the arrests, detention, and interrogation involve a series of violation of due process and other basic rights. Save for exceptional cases, criminal suspects are kept in custody. Prior to trial, Uzbekistan's legal system doesn't allow for Habeas Corpus or judicial review of arrests. Police and agents exploited this legal void by carrying out unsanctioned detentions, illegal searches, and planting or fabricating evidence to justify arrests, they also deny detainees the right to legal counsel, fail to notify their families of their detention, and then isolate them from their families. Uzbekistan's government also puts some prisoners into labour campus. Police have consistently violated due process in conducting arrests and searches.

79 Torture in Uzbekistan. Human Rights Watch, Volume 12, No.12 (D), December, 2000
80 The Human Rights Encyclopedia, volume 02, p.567.
VICTIMS OF CUSTODIAL KILLINGS

(SOURCE: http://web.amnesty.org/library)
of accused. Therefore, contrary to the spirit of Uzbekistan's domestic law and the stipulations of the international law, police and security forces also harass and intimidate the subjects of searches and detentions. The raids themselves have often been conducted at night. Masked armed officers in dark clothes scale the walls of domestic courtyards and invade family homes, often in the presence of small children. Most arrests are without warrant and searches are always unsanctioned. Many of those arrested particularly on religion related charges have been kept for days and even months in the basements of police station, where conditions were particularly harsh. They were held incommunicado, isolated from family visitors, legal counsel, fellow detainees, and any possible impartial police authorities.

The government of Uzbekistan does not provide for redressal of grievances to independent Muslim's that are subjected to discriminatory arrest and conviction. High courts rarely remedied unjust verdicts against individuals on appeal. They did not conduct any systematic review of cases of independent persons to determine the legitimacy of the trend of convictions on religious grounds. Citizens who pursued justice or relief outside the framework of domestic law proved a dangerous business, as it brought retaliation

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82 Abdurashid Isakhojaev told his mother that police kept him in the Ministry of Internal Affairs for the first 24 days of his detention. He alleged that officers tortured him while he was confined to the basement, causing serious injury. Human Rights Watch, interview with Sharifa Isakhojaeva, Tashkent, June 1, 2000.
from government authorities. On contrary, under the Islamic system of judicial procedure, there are no 'secret trials' or proceedings in camera. All trials have to be in the open court, the accused is to be given hearing and chance of defense and no punishment or award can be given except on the basis of the proven facts. Qur'an describes, "And when ye judge between persons judge with justice." It is for the purpose of protecting the right to justice and fair trial to the widest possible extent.

In the same manner, UIDHR also provides, Right to Fair Trial and holds: that, "No person shall be adjudged guilty of an offence and made liable to punishment except after proof of his guilt before an independent judicial tribunal. No person shall be adjudged guilty except after a fair trial and after reasonable opportunity for defence has been provided to him. Punishment shall be awarded in accordance with the Law, in proportion to the seriousness of the offence and with due consideration of the circumstances under which it was committed. No act shall be considered a crime unless it is stipulated as such in the clear wording of the Law. Every individual is responsible for his actions. Responsibility for a crime cannot be vicariously extended to other members of his family or group, who are not otherwise directly or indirectly involved in the commission of the crime in question". Moreover, UIDHR also speaks about "Right to Protection against Torture" and maintains that, "no person shall be

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84 Al-Qur'an, An-Nisa : 58.
85 Universal Islamic Declaration of Human Rights, 1981, Article V.
subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him, or forcibly made to confess to the commission of a crime, or forced to consent to an act which is injurious to his interests". Not to speak about the Universal Declaration of Human Rights, which pledges the said right in its Article 5, 9, 10 and 11 respectively. But contrary, Uzbek regime lags far behind to comply with these injunctions in any form and remains circumscribed on the ground.

IV) Right to Religion or Consciousness:

Having crushed all secular opposition to the authoritarian rule of President Karimov by the mid-1990, the state's attitude towards uncontrolled expression of religious beliefs, as a potential vehicle to carry critical social messages and civil discontents grew more hostile. Reacting to perceived political challenge from independent Islamic parties, the state passed a law in 1998 on religion that sharply restricted all forms of religious practice not regulated by the state, and

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86 Universal Islamic Declaration of Human Rights, 1981, Article, VII.
87 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, UDHR, Article 5. No one shall be subjected to arbitrary arrest, detention or exile, UDHR, Article, 9. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him, UDHR, Article, 10. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed UDHR, Article 11.
forbade the wearing of “religious dress” in public. Shortly after the passage of this law, dozens of female students who refused to abandon their veils were expelled from institutions of higher learning and the male students who wore beards were also expelled. Currently, Women who choose to veil are subject to various forms of state harassment, including arrest and fines. Ironically, as a justification for the states campaign against such actions, President Karimov has claimed that the Uzbek Islamic Opposition force outside the country aim to impose a Taliban-like regime on the country and force women to veil. Since independent Uzbekistan’s President Islam Karimov, upholds Islam as an ideological and political threat and warns that, “Islamic activist or fundamentalists are trying to destabilize his regime.” In the backdrop of this, Karimov ordered a crackdown against un-official, independent Islamic worship and imposed state sponsored, or official Islamic observance. This suppression and subjugation of Independent Islamic adherence to the state violates the Uzbek Constitution and international human rights standards, vis-à-vis Islamic norms of protecting religious freedom, including the right to practice one’s religion, the right to religious education, and right to teach and lead religious worship without unauthorized state interference or involvement. The Islamic leaders

89 This witness matriculated at a newly formed Islamic school, for girls after having been expelled from secular University. She has been repeatedly fined and beaten by police for her persistence in covering her face in public. Human Rights Watch Interview: Name Withheld, Tashkent, May 26, 2000.
91 Human Rights Watch, p 3.
are often harassed by the police. Other violations of right to freedom of religion include the restriction on the distribution of Islamic religious materials, controlling the training, appointing, and electing of religious leaders, forcing the religious leaders to pass a political test as a pre-requisition for employment. The Uzbek government has increased its official restrictions against independent Islamic worship since 1996, and enacted laws, amendments and decrees of particular relevance. Under these provisions, the government began closing all mosques and Islamic primary and secondary schools, not registered. Thus failed to provide any legal justification, for imposing this burden-some and arbitrary restrictions. The regime has also enforced its repressive restrictions on the representatives of Christian parishes such as the Grace Presbyterian Church, Baptist congregation, the Jehovah's Witnesses, God's Love Pentecostal Church and Full Gospel Church. Their leaders and members have suffered harassment and punishment for their religious activity.

The Uzbek government's official distaste for Islam as an 'Ideological Rival' does not qualify as a legal restriction under Article 18 (3) of the International Covenant on Civil and Political Rights and from other side, does not conform Islamic charter of human rights as well.

92 Central Asia Since Independence. p 60.
93 OSCE HDIM. Working sessions 8 and 9 28 September. 2007.

According to the Holy Qur'an, the human being is the most exalted of all creatures, and is therefore especially valuable irrespective of his or her religion. Endowed with reason and the desire for freedom, the human being is the vicegerent of Allah on earth which is human's natural right moment of birth. Ahmad Arsalan. "Islam and Human Rights." Journal of Liberal Thoughts. Volume. 37. 1997. p 42.
Moreover, by arbitrarily closing Islamic religious schools without legal justification also does not conform to the authorized limitations set forth in Article 18(3) and violates Article 18(4) of ICCPR. The above, mentioned, human rights violations not only confront to the Islamic spectrum of human rights, and the other international standards of religious freedom established by the UDHR, the UIDHR, the ICCPR, and the DRID but also disregard the Uzbek Constitutional protections. As Article 31 of Uzbek Constitution provisions explicitly guarantees freedom of religion, and protects the right to manifest a religion.

On the other hand, Islam recognizes and ensures right to freedom of consciousness and conviction to all human beings. Muslims can invite non-Muslims to Islam but they can’t compel them to embrace Islam and can’t enforce their faith on them. Qur’an says, “Say (O Muhammad to these Mushrikun and Kafirun): O Al-Kafirun disbelievers in Allâh, in His Oneness, to you be your religion, and to

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Human Rights Situation in Uzbekistan

me my religion (Islamic Monotheism)." No force will be applied in order to compel them to accept Islam. Whoever accepts it he does so by his own choice. Muslim ought to welcome such a convert to Islam with open arms and admit him to their community with equal rights and privileges. However, if some one doesn’t accept Islam, Muslims will have to recognize and respect his decision, and no moral, social or political pressure will be put on him to change his mind. Moreover, no Islamic government can ban propagation of any other religion on its territory. The followers of other religions are also entitled to construct their places of worship and Muslims cannot interfere with them. Islam is very liberal and extends to them full freedom to observe their respective religions. Although, Islamic state is an ideological state and it classifies its citizens in the light of their adherence to the ideology of the state. The people are divided into two groups: that is Muslims (who believe in the ideology of the state) and non-Muslims (who do not believe in the ideology). As such, along with the freedom of religion and freedom of consciousness Islam has given full protection to the non-Muslim citizens in an Islamic state.

103 Al-Qur’an, Al-Kafirun: 109.
106 Since Islamic state is an ideological state: therefore, it is to be run primarily by those who believe in its ideology. The services of non-Muslims living with territory can be utilized for this purpose. But only to the extent that they do not influence the policies of the state. Islam declares that non-Muslims living with in the territory of an Islamic state can not hold the posts of the state where from they can influence the ideological structure of the state. Their specific rights are mentioned in the Qur’an and Hadith and an Islamic state is bound to confer all these rights on them. The state can not affect even the slightest curtailment of these rights. S. Showkat Hussian, Islam and Human Rights, p. 84.
Likewise, UIDHR, do protect the “Right to Freedom of Religion” and
holds that, “every person has the right to freedom of conscience and
worship in accordance with his religious beliefs”\textsuperscript{107} Similarly, there
are clear-cut directions envisaged in Article 18 of the UDHR for the
“Right to Freedom of Religion”\textsuperscript{108}, but Uzbek regime apparently
failed to protect this important right and sharply restricted all forms
of religious practice not regulated by the state.

V) \textbf{Right to Life:}

Right to life is the most important and sacred human right.\textsuperscript{109} Though
there is a Constitutional guarantee in Uzbekistan to protect it, \textsuperscript{110} very
little is being done in this regard by the administration. The recent
episode in Andijan in May, 2005 is the live example of disregard of
this right displayed by Uzbek government. Where hundreds of
people were killed in indiscriminate firing by government forces. In,
June, 2005, the Human Rights Watch released a report, based on
eyewitness accounts, which demonstrated that government forces
fired indiscriminately on peaceful and unarmed protestors, who had
gathered in Andijan’s main square and they continued to shoot at

\begin{itemize}
\item \textsuperscript{\textit{107}} \textit{Universal Islamic Declaration of Human Rights, Article XIII.}
\item \textsuperscript{\textit{108}} \textit{Everyone has the right to freedom of thought, conscience and religion; this right
includes freedom to change his religion or belief, and freedom, either alone or in
community with others and in public or private, to manifest his religion or belief
in teaching, practice, worship and observance. Universal Declaration of Human
Rights, Article 18.}
\item \textsuperscript{\textit{109}} \textit{“Everyone has the right to life, liberty and security of person.” Universal
Declaration of Human Rights adopted on December 10, 1948, Article 3.}
\item \textsuperscript{\textit{110}} \textit{“The right to exist is the inalienable right of every human being. Attempts on
any one’s life shall be regarded as the gravest crime”, Constitution of the Republic
of Uzbekistan, Article 24.}
\end{itemize}
THE ANDIZHAN MASSACRE
12-13 MAY 2005
(Source: http://www.nationbynation.com/uzbekistan/human.html)
those who tried to flee. This brutal act was condemned throughout the globe and Human Rights Watch called on the European Union and the United States to impose an arms embargo on Uzbekistan as well as a visa ban on senior Uzbek government officials to protect the very sacred right of right to life. The government's version of events differs significantly to those testimonies. It maintained that the security forces did not kill any civilians and that all these civilians who lost their lives were killed by armed 'terrorists'. The government has stated that 187 people were killed and that many of them "terrorists", although it has yet to publish the names of those who died. Some people had been unable to find out what happened to their missing relatives. According to unconfirmed reports, the bodies of people killed were removed from the city and secretly buried in unknown locations. President Karimov claimed that his government does not shoot at women and children. But according to the reports, he did not allow an independent international investigation. The ongoing parliamentary investigation is not a substitute for an international investigation-it is "toothless". Amnesty International's report revealed the length to which the government of Uzbekistan has gone to prevent information that contradicts the official version of events from reaching the outside World. Thousands of people had been arbitrarily detained. Witnesses had been intimidated to prevent them from speaking about their experiences. Relevant records and

documents had been destroyed. International organizations, journalists and human rights defenders had been prevented from accessing the city. Access to websites that provide differing accounts of the event had been blocked within Uzbekistan. Local independent journalists, human rights defenders and members of the political opposition had been harassed and detained. In addition to mass killings, the practices of custodial killings are increasing day today. One such case can be cited when a widow Mushraf Usmanova was detained and killed; she was accused of being a senior figure in the banned Islamic Party Hizb-ut-Tahir, while according to her lawyer that no incriminating material was found during a search of his house on the day of her arrest.

According to tenets of Islam, Right to life is the most important and sacred human right. Therefore Islam has taken the responsibility to protect it. The human blood is impermissible, and no body dares shed it. Life is venerated and guarded that no one is allowed to neither cut it short nor threaten it. Qur'an says, "... that if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind."

"Any one who kills a believer deliberately will receive as his reward (a sentence) to live in Hell for ever. God will be angry with him and curse him, and

114 Concern in Europe: Amnesty International Report, January June 2002
115 Al-Qur'an, Al-Maida: 32.
prepare dreadful torment for him." Thus in any case, the destruction of human life has been regarded as a great sin and is considered endangering to the all mankind. The Prophet declared "homicide only next to the polytheism", "the greatest sins are to associate some thing with Allah and to kill human beings."

Equally, Right to Life, in UIHDR is explicitly forming the part of declaration and provides that, "Human life is sacred and inviolable and every effort shall be made to protect it. In particular no one shall be exposed to injury or death, except under the authority of the Law. Just as in life, so also after death, the sanctity of a person's body shall be inviolable. It is the obligation of believers to see that a deceased person's body is handled with due solemnity. With the same force, the UDHR also recommends Right to life and holds that "everyone has the right to life, liberty and security of person". But the story on the ground is entirely different and local independent journalists, human rights defenders and members of the political opposition had been harassed and detained, in addition to mass killings; the practices of custodial killings are increasing day to day and as such the country rated below in the protection of said right.

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116 Al-Qur'an, Al-Ma'idah
117 A.A. Mawdudi, Human Rights in Islam, Markazi Maktaba Islami, Delhi, 1982, p. 22
118 Universal Islamic Declaration of Human Rights, Article 1
119 Universal Declaration of Human Rights, Article 3.
VI) Right to Peaceful Assembly and Association: 120

The Uzbek Constitution guarantees to its citizens the right to peaceful assembly,121 and states that, "all citizens of the Republic of Uzbekistan shall have the right to form trade unions, political parties and any other public associations, and to participate in mass movements. No one may infringe on the rights, freedoms and dignity of the Individuals, constituting the minority opposition in political parties, public associations and mass movements, as well as in representative bodies of authority", however, with a restriction the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds. In practice the government, to a greater extent restricted the right to peaceful assembly.122 In this regard, the first sign of Karimov's harsher policy appeared during January 16, 1992, in retaliation to the student's demonstration in Tashkent, organized with a view to express economic grievances. When the demonstrating students refused militia orders to disperse, shots were fired into the crowd, killing at least one student and seriously wounding others. The next day students gathered from early morning to protest militia actions. Eventually, the militia shot in to the air and used truncheons to force the students to disperse.123 Another recent glaring example of
this nature is the recent episode put forth by International human rights organizations, Amnesty International and Human Rights Watch exposed the human rights abuses perpetrated in Andizhan city of Uzbekistan on 12-13 May 2005. According to eyewitness testimony, security forces fired indiscriminately into crowds of thousands of peaceful demonstrators including women and children gathered in the centre of Andizhan. Obviously, incidents of such a nature are blatant violation of right to peaceful assembly. Although, Uzbek Constitution provides for the right of freedom of association, but the government limits the exercise of this right by refusing to register opposition political parties and movements. A 1996 analysis by foreign legal observer concluded that, while the law on 'Political Parties' provides theoretical protection for minority parties and permits a wide range of fund raising, it also give the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support to those opposed to the government. There are no registered opposition parties. In the early 1990, the government repeatedly denied the attempt by the Birlik Movement and Erik Party (Freedom Party) to register. But harassment by security forces drove the leaders of these organizations into voluntary exile. These organizations repeatedly made no attempts to get registered during the year, because, their remaining adherents were afraid of government reprisals. The Constitution and a 1991

 development in Uzbekistan: democratization?" in Conflict, Cleavage and Change in Central Asia and the Caucasus. p 383

Uzbek Muslims slaughtered by US backed dictator

PROTESTS AGAINST PRESIDENT ISLAM KARIMOV

(Source: http://www.newseralasia.com/)
amendment to the law on political parties ban parties of religious nature. Authorities cited these measures while denying registration to the Islamic Renaissance Party (IRP) in 1992. In the early 1990's, opposition activists announced formation of Adolet- True Path Party, but never perused formal registration claiming, that their members were afraid of government reprisals, The Law on Public Association as well as the Law on Political Parties prohibits registration of organizations whose purpose includes subverting or overthrowing the Constitutional order. The process for government registration of NGO's and other public associations is also difficult and time consuming, with many opportunities for obstruction.\textsuperscript{125} It is as such, obvious, that the government does not protect the right to assembly freely, and unauthorized demonstrations are prohibited. Those who protest publicly are likely to face police brutality and imprisonment.\textsuperscript{126} Islam, however, recognizes the right to freedom of association and formation of organizations or parties. As is quite clear from this verse of Holly Qur'an, "Let there arise out of you a band of.... Dreadful penalty".\textsuperscript{127}

It means that, populace are free to organize meetings and utilize all other ways of association. But, it should be exercised for propagation of virtue and righteousness and should never be used for spreading evil. In the history of Islam, during the Caliphate of Hazrat Ali (RA),


\textsuperscript{126} The Human Rights Encyclopedia. Volume 02. P.567.

\textsuperscript{127} Al-Qur'an. Al-Imran: 103-104.
Kharijities used to abuse the Caliph openly and threatened him with murder. Whenever they were arrested for these offences Hazrat Ali would set them free and tell his officers; “As long as they do not actually perpetrate offences against the state the mere use of abusive language or threat of the use of force are not such offences for which they can be imprisoned. The freedom which Hazrat 'Ali gave to the opposition has no parallel in human history. He did not arrest even those who threatened him with murder.”

Unequivocally, “Right to Free Association” in the UIDHR is well placed and recommends that,” Every person is entitled to participate individually and collectively in the religious, social, cultural and political life of his community and to establish institutions and agencies meant to enjoin what is right (ma'roof) and to prevent what is wrong (munkar). Every person is entitled to strive for the establishment of institutions whereunder an enjoyment of these rights would be made possible. Collectively, the community is obliged to establish conditions so as to allow its members full development of their personalities.” In the same way, the UDHR maintains with regard to right of freedom of association that “everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association”. Although, Uzbek Constitution provides for the right of freedom of association, but the government limits the exercise of this right by refusing to register

19 *Universal Islamic Declaration of Human Rights*, 1981, Article, XIV.
opposition political parties and movements. The incident of Andhijan in 2005, (Public massacre on peaceful assembly) is an eye opener to the champions of human rights as to how the instant right is being violated in the country under the patronage of Islam Karimov.

VII) The Right to Effective Remedy:

The Uzbek authorities have laid particular stress on an individual's right to the competent authorities about any violation by officials of their Constitutional rights, including their right not to be subjected to torture or ill-treatment. Article 44 of the Constitution guarantees everyone the right to complain to a court of any unlawful actions of government authorities. A law on citizen's appeals was adopted in 1995. It states that no one should be subjected to harassment or other unlawful actions because they have lodged complaint131.

Although the law guarantees everyone the right to lodge a complaint without being subjected to harassment, in Amnesty International's experience, this has not been the case in practice. The organization has received numerous reports of detainees, prisoners, members of their family and lawyers who have been harassed, threatened, intimidated, and beaten or ill-treatment by law enforcement officials after they exercised their Constitutional right to lodge an official complaint. In the majority of cases there are no independent or impartial investigations into complaints about unlawful actions by law enforcement officer; the Ministry of Internal Affairs or the

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131 Constitution of Republic of Uzbekistan, Article 44.
procuracy will redirect complaints to be investigated by the agency which stands accused of perpetrating the violations in the first place. Fear of retribution and the absence of effective safeguards in practice act as a powerful deterrent to people exercising their right to seek effective remedy. Detainees who complain to the procuracy about being ill-treated or tortured in police custody are regularly subjected to further torture until they agree to withdraw their complaint. Law enforcement officials may threaten to harm family members if the detainee does not withdraw his/her complaint or may threaten to kill or maim the detainee or charge him with a capital offence if the family or lawyers pursue their claims. Amnesty International has documented numerous cases in which male detainees were threatened with the rape of their mother, wife, daughter or sister in order to force them to withdraw their complaints. As a party to the Optional Protocol to the International Covenant on Civil and Political Rights Uzbekistan has agreed to respect the right of people under its jurisdiction to submit communications alleging their rights under the ICCPR have been violated for consideration by the Human Rights Committee once they have exhausted domestic remedies. However, Amnesty International has received allegations that, Uzbek authorities have sought to intimidate individuals in order to prevent them exercising this right.\(^\text{132}\)

Infringement on the said right by the Uzbek officials is flagrant violation of Islamic tenets and UDHR as well, which states that

"Every one has a right to an effective remedy by the competent national tribunals for acts violating the fundamental right granted him by the Constitution or by law".\(^{133}\)

VIII) Right to Privacy:

The Uzbek Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except "in case, prescribed by law". Authorities, however, "continue to infringe on right to privacy". In special circumstance, however, the law prohibits police from entering and searching a private home without the approval of the procurator. In case police search a house without prior approval, they are to inform the procurator within 24 hours; however, police frequently ignored these requirements. There is no judicial review of police searches conducted without a warrant. Police also may enter and search homes without permission provided it is proved that a delay in obtaining a warrant would impair national security.\(^{134}\)

Interference with privacy, family, home or correspondence is an open violation to Article 12 of UDHR, which says that, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such

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\(^{133}\) Universal Declaration of Human Rights, Article 8.

interference or attacks”. In the same sense UIDHR has provided the said right and mentions that, “Every person is entitled to the protection of his privacy”. Such actions by Uzbek authorities are also in contradiction to the tenets of Islam. Since, among other rights Islam also recognizes the right to privacy of every human being. This basic human right was protected by Islam with great deal. The Holy Qur’an audiences, “O you who believe! Enter not houses other than your own, until you have asked permission and greeted those in them, that is better for you, in order that you may remember. And if you find no one therein, still, enter not until permission has been given. And if you are asked to go back, go back, for it is purer for you, and Allah is All-Knower of what you do.” Further Allah says in the Holy Qur’an, “And spy no each other.” The Prophet went to the extent of saying, “That a man peeping unlawfully into another person’s house could be lawfully rendered blind. Also he specifically asked his people not to poke their nose into others personal affairs, not to bug confidential conversations between others, and not to glance through what was being written for or by others.”

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135 Universal Declaration of Human Rights, Article 12.
136 Universal Islamic Declaration of Human Rights, Article XXIV
138 Al-Qur’an, Al-Hujurat: 12.
139 Tahir Mahmood, (Ed.), Human Rights in Islam, p.44. In another hadith, the Prophet prohibited people from reading letters of the others, and warned that even if a man casts sidelong glances in order to see a letter of another person his conduct become reprehensible.” C.F. Sheikh Showkat Hussain, Human Rights in Islamic Law, p.88. Prophet once said, “If anyone of you asked permission three times and not permitted, let him go back.”, Al-Hadith, Bukhari Sharief. C.F. Parveen Showkat Ali, Human Rights in Islam, p.177.
X) **Right to Access to Legal Counsel:**

Although Uzbek Law provides for access to legal counsel from the moment of arrest, throughout investigations police frequently pressure detainees not to seek counsel. When detainees or their families attempt to engage an independent defense lawyer, police and investigators often simply refuse requests from the lawyer for access to his or her client, until the police have secured a confession from the accused. Police frequently pressure detainees or their families to accept the services of state-appointed lawyers who do not defend their client's interests, and who are unlikely to lodge complaints against ill-treatment. Even when lawyers do gain access to clients, they do not have the right to freely arrange independent, objective forensic medical examinations that could provide evidence of torture. Although, Uzbek law grants the police authority to approve or reject a detainee’s or lawyers request for a forensic medical examination; these requests are often simply denied. Those attorneys who do attempt to request a forensic examination as do their clients, of retribution by police. Police and procuracy officials are particularly cautious of giving detainees time with their attorneys. Even when a detainee is permitted contact with relatives, police often deny access to his legal counsel of choice. In some cases, the investigator in charge denies a lawyer entry, or the family is told that the detainee has rejected legal counsel. Most often, access is simply delayed, through false statements about a detainee’s whereabouts in custody, health or the stage of the investigation, until police have conducted all
interrogation sessions and coerced a confession from the detainee. Police thereby prevent the attorney from being involved during the most crucial period in the investigation. These actions deprive the detainees of protection crucial to both his legal defense and his protection from torture. Like all detainees in Uzbekistan, religious detainees are routinely denied their right to meet with legal counsel in private.

As such, denial of access to legal counsel violates principles 8 of the UN Basic principles on the Role of Lawyers, which states, that “All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentially.” Likewise, according to UIDHR, “Every person has the right to protection against harassment by official agencies. He is not liable to account for himself except for making a defense to the charges made against him or where he is found in a situation wherein a question regarding suspicion of his involvement in a crime could be reasonably raised.”

XI) Rights of Women:

Soon after independence Uzbekistan has instituted certain administrative measures to promote women’s status. Article 18 of the Constitution, currently in force, provides all citizens with equal rights

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141 Universal Islamic Declaration of Human Rights, Article IV.
without respect to gender, and Article 46 repeats that men and women shall have equal rights. In addition, the Uzbek government has issued proclamations and implemented some minimal policies designed to protect women's rights.\textsuperscript{142} On the other hand, Islam not only recognizes right to equality among men but also between men and women, Qur'an in this context says, "And from women, are rights over men similar to those for men over women". Therefore, Islam has given man this right of equality as a birth right, irrespective of colour, creed, caste, birth or sex. Since independence, despite the administrative measures the Uzbek government has taken little or no effective action to protect women's basic human rights, particularly access to education and employment, which have both eroded. The decline in the women's education is strongly correlated with the trend of early marriages for women and unspoken state polices. Higher education official have expressed to Human Rights Watch the belief that post-secondary schooling should be limited to men.\textsuperscript{143} Because, women's educational attainment in the post-soviet period has declined sharply. Women made up fully half of the population, and 41 percent of students enrolled in higher educational institutions in 1991. And, by 1997, that figure had dropped to 37 percent.\textsuperscript{144}

Likewise, as elsewhere in the post-communist world, the economic hardship after the demise of communism has led to disproportionate decline in the status and well being of Uzbek women. Overall

economic contraction in Uzbekistan has led to an upsurge in unemployment; although official statistics minimize this problem. Women are increasingly concentrated in low wages sectors of the workforce, and receive lower wages than men for the same work. Such a kind of treatment with Uzbek women is in contradiction to Article 3 of UIDHR which states that, "all persons shall be entitled to equal wage for equal work". UDHR also holds the similar view that, "everyone, without any discrimination, has the right to equal pay for equal work". Regarding education, according to UIDHR,"every person is entitled to receive education in accordance with his natural capabilities". Further UDHR says that, "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Unfortunately, the education of women in post-independence Uzbekistan has suffered a lot particularly due to the government apathy.

146 Committee on the Elimination of Discrimination Against Women, Initial reports of States Parties, Uzbekistan, CEDAW/C/UZB/1, February 2, 2000, pp.59-61
147 Universal Islamic Declaration of Human Rights, Article III (b).
148 Universal Declaration of Human Rights, Article 23(2)
149 Universal Islamic Declaration of Human Rights, Article XXI (a).
150 Universal Declaration of Human Rights, Article 26.
Another category of the population whose rights are violated systematically is children. As in Soviet times, each autumn school children in provinces and rural areas are being coercively employed in harvesting cotton without their parents’ permission and in violation of national and international law. Each year they are torn away from learning process for more than two months, due to which the quality of their education is declining. Their work on cotton fields is often underpaid. Rural population, -despite their contribution to the cotton export revenue, suffers from chronic poverty; rural schools drag out a miserable existence. Cotton fibre and textiles produced as a result of coerced child labour are being sold in world markets, including in Europe. The people of Uzbekistan are deprived of the right to know what the net cotton export revenue is and how it is being used. 151 This inhuman act of Uzbek government is blatant violation of ICCPR’s Article 24 152 to which Uzbekistan is a party as well as UIDHR which advocates that, “every child has the right to be maintained and properly brought up by its parents, it being forbidden that children are made to work at an early age or that any burden is put on them which would arrest or harm their natural development. Further, it also holds that, if parents are for some reason unable to discharge their obligations towards a child it

151 OSCE HDIM. Working sessions 8 and 9, 28 September, 2007
152 International Covenant on Civil and Political Rights, Article 24.
becomes the responsibility of the community to fulfill these obligations at public expense".\textsuperscript{153}

To sum up, Uzbekistan is the key to Central Asian stability. It has the region's largest population and strong military, with a population that is nearly 90 percent Muslim.\textsuperscript{154} Economically, the country has little to show for over a decade of independence; foreign direct investment is low, corruption is high, with nearly one-third of its population unemployed. On the top of it, the government led by former Communist Party Boss and now President Islam Karimov, has not lived up to its promises of reforms and in order to maintain his despotic rule, press freedom is almost non-existent. Torture is widespread. Freedom of religion is severely circumscribed. In spite of Uzbekistan being a nation of great promise and resources the government has taken only a few small steps forward towards respect for human rights.\textsuperscript{155} Ironically, Uzbekistan's violation of the right to freedom of religion represents one of the most serious escalations of human rights abuses since the dissolution of the Soviet Union and threatens Uzbekistan's future as a stable nation ruled by law. The Uzbek government, however, justifies the crackdown against independent Islamic adherents as a necessary step on the pretext to stabilize the country which is moving ahead, as claimed by Uzbek leadership, towards its stated goals of a democratic state and a free market economy.

\textsuperscript{153} \textit{Universal Islamic Declaration of Human Rights}, 1981, Article 19 (clause d and e)


\textsuperscript{155} \textit{Religion and Security: The New Nexus in International Relations}, p. 48.
Human Rights Situation in Uzbekistan

In preview of violation of the freedom of religion, gave birth to other human rights violations as well. Therefore, Uzbek Government had almost failed to protect human rights of its citizens. Despite the end of communist era, the Uzbek government has made little progress in moving away from the Soviet Style repression of human rights, especially religious freedom, despite largest and most devote Muslim population in the region. This suppression and subjugation of religious freedom along with other rights violates the Uzbek Constitution and international human rights standards, vis-à-vis Islamic norms. The government’s poor human rights record worsened, particularly, after the events of September, 11th 2001, and when Uzbekistan became strategic partner of the United States in the region, the government continued to commit numerous serious abuses. In the words of Robert Cutler, a Central Asian Specialist, “There is hardly a family in Uzbekistan, in which a member has not been detained, questioned, arbitrarily imprisoned or beaten by internal security forces”. Since, it is believed that, regional elites are apparently convinced that pressure from western governments, particularly the United States, to respect human rights and to democratize is essentially rhetorical. They remain unimpressed by Eastern and Eastern academics, humanitarian organizations and government official who argue that greater political repression in the

long run forces opposition into the Islamist camp and encourages Islamic radicalization.

Therefore, it is suggested that, in order to avoid future instability; Central Asian states need to re-examine their policies towards Islam and all repressive majors that are detrimental to the very existence of Islam. As Islam survived in Uzbekistan and elsewhere in Central Asia despite 150 years of Russian and Soviet efforts to eliminate it. Governments that today hope to somehow contain Islam, should take a page from those earlier efforts.