



# New Restrictions on Freedom of Association in Uzbekistan: Informal Groups Risk Fines and Arrest

*Everyone has the right to freedom of peaceful assembly and association  
(Article 20, Universal Declaration of Human Rights)*

The situation in Uzbekistan for freedom of association continues to worsen and is rapidly approaching the same state of affairs as in neighboring Turkmenistan. In December, the government rushed to toughen penalties for unregistered group activity and other infractions even as it continues to prepare a new, consolidated law on nongovernmental organizations.

On December 3, 2005, the Senate of the Oliy Majlis (Uzbek parliament) adopted amendments to the Code of Administrative Liability.<sup>1</sup> According to these amendments, all unregistered associations and unauthorized gatherings organized by NGOs are subject to fines ranging from 50 to 100 times the monthly minimum wage<sup>2</sup> or administrative detention for up to 15 days. This represents a step toward the criminalization of the informal (unregistered) associational life of citizens and a serious violation of both the national constitution and international law. In addition, even registered NGOs that violate state requirements, such as failing to provide state bodies with timely accounts of their activities, are subject to similar penalties.

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<sup>1</sup> The full text of adopted amendments in Russian is posted at the online edition of the governmental newspaper *Pravda Vostoka*, December 30, 2005, <http://pv.uz/?inc=12&news=2597>. The excerpt translated into English is available in the appendix.

<sup>2</sup> The monthly minimum wage is equal to 9,400 Uzbek Soums (approximately US\$8-9).

These new restrictions come into force against a backdrop of drastically tightened procedures for NGO registration and operation that make it nearly impossible for independent associations to be registered with the Ministry of Justice. Since the beginning of 2004, the Uzbek government has systematically closed nearly all independent NGOs, leaving behind a façade of what are referred to as GONGOs—government organized and controlled NGOs. Some independent NGOs have responded to this draconian policy by continuing their operations informally. The December 3rd amendments probably represent an attempt by the government to close off this route. Under the new law, even minor infractions will incur steep fines, providing a strong disincentive to any potential civil society activist.

## **Background**

Article 34 of the Uzbek Constitution guarantees 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.” Uzbekistan has also signed and, in December 1995, ratified the UN International Covenant on Civil and Political Rights, Article 22 of which clearly refers to the freedom of association.

In practice, Uzbekistan has never followed these norms to their full extent. But now for first time it has taken a step toward the criminalization of informal associational life. This measure resembles the restrictions on religious associations introduced in 1998, which threaten administrative measures and criminal charges for the unregistered activities of religious schools and mosques. These restrictions are enforced with a zeal that drastically curtails freedom of conscience, belief, and association. Policing of suspect religious groups extends to arresting participants in small social gatherings organized by members of these groups.<sup>3</sup>

Even during Soviet times there remained quite a significant space for nongovernmental associations, such as unregistered stamp collectors’ clubs and poetry circles. However, under the new legislation, even these politically innocent forms of association might be under suspicion and subject to prosecution by overly vigilant state officials.

The associational life of Uzbekistan also includes a number of traditional forms of informal gatherings, such as the *gaps*, which are associations of friends or former classmates. It is unclear whether the new legislation will be applied to them. The government may protest that this is not their intention, but, given the current trend in the state policy toward civil society, what is to stop them from taking the next logical step and banning any gatherings of more than three people?

### *Impact and recommendations*

This legislation joins a long list of other repressive actions of the regime—closed trials of suspects on Andijan case, including human rights activists; a massive closing down of NGOs; harassment of journalists; increased harassment of non-Muslim

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<sup>3</sup> See Forum 18 News, 27 October 2005, at [http://www.forum18.org/Archive.php?article\\_id=678](http://www.forum18.org/Archive.php?article_id=678), accessed 26 January 2006.

religious associations. It is yet another indication that the system of governance in Uzbekistan, especially with respect to civil society, is deteriorating toward a state of affairs in which every movement of citizens is controlled and restricted by the state apparatus. Soon this system may merit the description “totalitarian.”

Liquidation of the sector of independent NGOs and unregistered civil society groups raises serious questions about the ability of some international organizations, like the World Bank and UNHCR, to operate in the country. Cooperation with local civil society partners is essential to their mandates. Implementation of World Bank projects, for example, are based on a so-called social assessment that provides feedback from the domestic society on the project’s potential impact. This social assessment, as a rule, has been implemented by civil society groups. UNHCR similarly cannot implement its humanitarian mission without NGOs as local partners. GONGOs cannot replace independent civil society groups in these partnership transactions. Therefore, the activities of these international organizations might be under question in Uzbekistan.

At the very least, international organizations whose assistance projects include civil society monitoring, such as the World Bank and UNDP, should be prepared to intercede on behalf of remaining NGO partners, whether registered or unregistered, threatened with application of the new restrictions.

## **Appendix**

### **Law of Uzbekistan**

On amendments made to the Criminal Code and Code of Administrative Liability of Uzbekistan

(excerpt)

Adopted by Legislative Chamber of Oliy Majlis on Nov. 22, 2005.

Approved by the Senate on Dec. 3, 2005.

Article 202<sup>1</sup> shall read as follows:

**Article 202<sup>1</sup>.** Advocating participation in the activities of illegal NGOs, groups, sects

- shall be penalized by a fine in the amount from 50 up to 100 monthly minimal wages or administrative arrest for up to 15 days.

Articles 239 and 239<sup>1</sup> shall be added to the Code as follows:

**Article 239.** Violations of NGO regulations

(1) Activities of NGOs as well as of their representative offices and affiliates (except religious organizations) without state registration (entry into public records) shall be penalized by a fine in the amount from 50 up to 100 monthly minimal wages.

(2) For involvement of representative offices and branches of international and foreign NGOs and their employees in political activities as well as other activities that violate the mission (as recorded in the charter) and objectives of the organization, as well as for funding campaigns and events conducted by political parties and groups, for initiating and supporting the establishment of such organizations citizens shall be fined in the amount from 50 up to 100 monthly minimal wages; managers shall be penalized by a fine in the amount from 100 up to 150 monthly minimal wages or administrative arrest up to 15 days.

(3) For use of unregistered logo by NGOs, the managers shall be penalized by a fine in the amount from 50 up to 100 minimal monthly wages.

(4) For conducting events by NGOs and their representatives and affiliates without the consent of a registering body as well as denying access for representative of registering body to the events, managers shall be penalized by a fine in the amount from 100 up to 150 monthly minimal wages.

(5) For failure of NGOs to provide reports of their activities to the registering body or failure to provide reports in timely manner or failure to provide the reports in approved form as well as failure to provide information including the records of utilization of their property and disbursement of funds, managers shall be penalized in the amount from 50 up to 100 monthly minimal wages.