



“Your travel abroad is not appropriate”:

Propiska, ‘exit visas’ and other relics of the Soviet era in Uzbekistan today

Executive Summary

INTRODUCTION

This is a summary of the report submitted by the Uzbek-German Forum for Human Rights on behalf of an initiative group of Uzbek citizens to the 98th session of the UN Human Rights Committee scheduled for March 2010. It represents the results of monitoring of how Uzbekistan implements its own laws and international commitments relating to the rights of freedom of movement and choice of residence. The monitoring group has reviewed 27 legislative and normative acts of the legislative and executive authorities of the Republic of Uzbekistan, as well as some 60 annexes related to freedom of movement.

The report concerns the following aspects of the right to freedom of movement and choice of residence:

- Citizens' rights to movement and choice of residence within their own country;
- The right to exit unhindered from the country;
- The right of citizens to choose their place of residence outside their country;
- The right to apply for foreign citizenship.

The violation of these rights indirectly affects a number of other rights. Without the right to freely move from one's residence, an individual may, under certain circumstances, be subject to political repression and torture, may be prevented from observing their chosen religion, possessing the right to marry and to family life, be denied access to employment or education outside of the country, all of which could ultimately affect the individual's quality of life. Thus, freedom of movement is one of the most fundamental rights which, when violated, leads to increased material and moral damages to individuals and their families. The report presents several recent examples from Uzbekistan illustrating this chain of violations.

Uzbekistan is signatory of both the Declaration of Human Rights (signed in 1991) and the International Covenant on Civil and Political Rights (ratified in 1995). Its Constitution declares the predominance of the international laws ratified by Uzbekistan over its own laws. Thus, the norms stipulated by the Declaration and the Covenant are binding for Uzbekistan.

According to Article 13 of the Universal Declaration of Human Rights (1948), “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.”

Article 12 of the International Covenant on Civil and Political Rights contains four principles that guarantee freedom of movement and choice of residence:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

The data presented by the report indicates that at least the first three of these principles are systematically violated in Uzbekistan, and direct responsibility for these violations lies with the Government, its law enforcement agencies, and local authorities. These violations are at odds not only with Uzbekistan's international obligations, but with its own Constitution, specifically Article 28 which reads: "A citizen of the Republic of Uzbekistan has the right to freedom of movement across the state, to enter the Republic of Uzbekistan and exit from it, except for in cases restricted by law."

HIGHLIGHTS FROM THE REPORTS:

- Uzbekistan still preserves the Soviet style *propiska*, the mandatory registration of one's residency with the local police, a practice which since the Stalinist regime has proved to be an integral element of the police state. The *propiska* allows the state to not only register citizens at their places of residence, but with the introduction of an authorization system, places them and their movements under the strict control of the state.
- In accordance with Uzbekistan's regulations, the passport of each citizen should contain a record of the place of residence and permanent residence of the passport holder and, if needed, temporary residence permits. Without such records in their passports, citizens are deprived of their rights to reside in a particular area or to leave the country. As a result, they lose a number of other rights: to employment, housing, medical care, education, as well as the freedom to marry and start a family, etc.
- According to draconian rules adopted by the Tashkent city government, residents from Uzbekistan's provinces cannot live or work in the capital without having officially withdrawn ("*vipisatsia*") from their previous place of residence and obtained registration and a permanent or temporary *propiska* with the local police in Tashkent, within three days upon their arrival in Tashkent. This registration and the issuing of *propiska* are *de facto* permits to stay in the capital and are often denied to the applicants unless they pay a bribe to the local police on a regular basis.
- According to the authors' estimates, there are nearly one million labour migrants from Uzbekistan's province residing and working in Tashkent. Ninety-eight percent of surveyed labour migrants in Tashkent responded that they were constantly required to pay bribes for the right to live and work in the capital which has the lion's share of Uzbekistan's jobs and financial resources. According to interviews with some of these

migrants, they pay each around 10,000 Uzbek Soms (or 8 US Dollars) a month for the right to stay in Tashkent without *propiska*. The *propiska* itself would cost to them from U.S. \$2,000- 50005 as a bribe to the representatives of the designated city hall commission. Thus, restrictions on the right to choose one's place of residence leads to massive rash of corruption in the police and local administrations, with respective negative consequences for the rule of law.

- Uzbekistan continues intact the practice of Soviet style 'exit visas', or permissions to travel abroad, which are issued by the local police with only a two year limit. The decision to give or deny permission is in fact made by the National Security Services (NSS), the modern day heir of the methods and work of the Soviet Union's KGB.
- Certain categories of citizens frequently face unjust discrimination in their right to travel and choose their place of residence. These are mostly activists in civil society or human rights defense and independent journalists. They are often denied exit visas despite existing laws and legal norms. Legal norms allow the police and NSS to deny exit visas to young men of conscription age (from 18 to 27 years).

"For 12 years, I wasn't registered in my own home, which I bought myself in Tashkent city, only because I was from the provinces. Only after paying bribes could I resolve the matter."

Salokhiddilom Kh. from Samarkand region, 48 years old, interviewed in Tashkent city

"The four of us live in a rented apartment. A district police officer takes ten thousand soums [equivalent to 8-10 US Dollars – ed.] from each of us every month. He comes every month on a certain date."

Anvar T. from Kashkadarya, age 32, interviewed in Tashkent city

"We worked on a construction site in Kukcha district. Suddenly, the local policeman came unexpectedly and began to check passports. He took our passports and said, 'I will return them if you will be my witnesses and sign detention protocols.' Apparently, he detained one guy and allegedly found narcotics in his pockets. In order to clear the case, he needed our testimony. We don't know whether the guy was guilty or not, but we were forced to put our signatures to the protocol... And in the evening, the detained guy's brothers came from the neighborhood *mahalla* [or community centre – ed.] to the construction site and beat us."

Jakhongir Kh., age 34, from Kokand, interviewed in Tashkent city

- The right to live outside of one's country and take the citizenship of another country is an integral human right. Though the legislation of Uzbekistan does not outright deny this fundamental right, as often is the case in Uzbekistan, bylaws (*podzakonnye akti*) have greater force than the law and the Constitution, and often these bylaws contradict the Supreme law.
- For example, the Embassy of the Republic of Uzbekistan in the UK says that in order for citizens of Uzbekistan to exercise their right to permanently reside abroad, it is not sufficient to merely present a residency permit in the country where they live. They must also obtain permission (!) from the Uzbek "competent authorities" (read police and security agencies). To obtain such permission one needs to submit a pile of various documents that would require him or her to return to Uzbekistan and spend

there an indefinite period of time awaiting the police's decision, which may even be a rejection.

- If applying for foreign citizenship, one is also required to obtain a decision by President himself who is to issue a special decree on renouncing one's citizenship. No need to say that this requirement may require even more time than collecting documents for permanent residency abroad.
- If one fails to undergo the process of renunciation of Uzbek citizenship, he or she will be still considered by the Uzbek authorities as Uzbek citizen and may risk facing prosecution upon return to Uzbekistan to visit his or her relatives and friends, for violating the passport regime and unlawfully acquiring foreign citizenship. This is particularly the case as Uzbek law does not allow dual citizenship for its citizens.
- Under these circumstances, applicants for foreign residence or citizenship are forced to pay bribes (often roughly U.S. \$1,500) to obtain permission for permanent residence abroad or renunciation of Uzbek citizenship without delay. The mechanism and channels of such bribery are well established.

Story of a family that has received Russian citizenship:

“At first, we did everything legally, we went to a company (at Metro Hamza in Tashkent) where a woman filled out a questionnaire. Then, having stood in a queue at the local administration, we gave them our address and requested that they give us necessary documents [with permission for foreign citizenship – ed.] to begin processing our Russian citizenship. They didn't give us this document saying that first the President of Uzbekistan had to sign the decree on withdrawal of citizenship and then we were obliged to hand over our Uzbek passports and take a passport for stateless persons. This was ostensibly the established order. We asked how long this would take and they told us that this could take as long as one and a half year [to wait the President's decree]. However, I knew other people who had received the document without big delay and I decided to find out how. Apparently, you simply had to bring up the matter to the “*passportist*.” “*Passportists*” are middlemen – they take your money and then speak with the police. My wife and I paid USD 1,000 to the “*passportist*” and the next day, she brought us document with the signature of the head of the УВВиГ. It turns out that this is how our friends had done it. But they never filled out any form, having given USD 1,500 for the document. We knew that we violated the law, but we were forced to do this. In Russia, we left a deposit on a house, we had jobs waiting for us, and we couldn't wait for a year and a half. I'm certain that this all factors into their calculations as there are thousands of people like us”

Source: *Uznmetronom.com*, 12 May 2009,

http://www.uzmetronom.com/2009/05/12/spasibo_chno_pishete_pravdu.html

RECOMMENDATIONS TO THE GOVERNMENT OF UZBEKISTAN:

- 1) Eliminate the institute of *propiska*, both the permanent and temporary residency permits, as well as the compulsory registration of citizens in the local Internal Affairs offices. Bring domestic legislation, regulation, and procedural order in accordance with Article 12 of the International Covenant on Civil and Political

Rights, Article 28 of Uzbekistan's own constitution, and international best practices.

- 2) Eliminate so-called "exit visas" by introducing the registration principle of issuing travel documents. Extend the duration of such travel documents from the existing two years to up to ten years. Consider it appropriate to introduce a separate passport with ample pages for visas that would allow citizens to save time and effort on regularly updating their passports which is too often the case if they travel abroad frequently, because of the insufficient number of pages for visas in current citizenship passports.
- 3) Eliminate the requirement of obtaining a permit for permanent residence in foreign countries, and limiting it only to the obligatory notification of the Uzbek consulate in the case of receiving a residency permit in the host country.
- 4) Simplify the mechanism for renunciation of Uzbek citizenship, limiting it only to the obligatory notification of the Uzbek consulate in the case of obtaining citizenship from the host country.
- 5) Introduce the institution of dual citizenship as a most appropriate way to ensure the right to choose one's place of residence.

RECOMMENDATIONS TO THE EUROPEAN UNION:

1. Invite Uzbekistan in a clear and articulated way to abolish the "exit visa" and "propiska" systems. Ensure that Uzbekistan fulfils in reality the corresponding article 12 of the United Nations Covenant on Civil and Political Rights that stipulates the right to liberty of movement and freedom to choose his residence.
2. Include the issue of infringement of the rights to freedom of movement and to choose the residence of Uzbek citizens in the list of priority issues to be addressed in the frame of the Human Rights Dialogues with the Uzbek government.
3. Present to the government of Uzbekistan the list of activists and their relatives who were denied "exit visas" because of their views. Invite the Uzbek government to secure their right to leave and to return to their country freely.
4. Link any EU rule of law initiatives in Uzbekistan with the fulfilment of the concrete recommendations provided by the Human Rights Committee of the United Nations (<http://www2.ohchr.org/tbru/ccpr/CCPR-C-UZB-CO-3%28e%29.pdf>). In particular ask the Uzbek government to abolish the unlawful acts which limit the right of the citizen to free movement and choice of residence.

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