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Committee on Economic, Social and Cultural Rights Seventy-first session

Summary record of the 13th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 22 February 2022, at 11 a.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 11.05 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Third periodic report of Uzbekistan (E/C.12/UZB/3; E/C.12/UZB/Q/3; E/C.12/UZB/RQ/3)

1. *At the invitation of the Chair, the delegation of Uzbekistan joined the meeting.*
2. **Mr. Saidov** (Uzbekistan), speaking via video link and introducing his country's third periodic report (E/C.12/UZB/3), said that the delegation of Uzbekistan was joining the meeting from studios in four different locations, including Nukus, Qoraqalpog'iston, an autonomous republic. More than 30 State agencies and several non-governmental organizations (NGOs) had participated in the preparation of his country's report. In addition to the periodic report, his Government had submitted replies to the list of issues drawn up by the Committee, as well as information on the country's human rights strategy, its efforts to achieve the Sustainable Development Goals and its fulfilment of its international human rights obligations.
3. Large-scale democratic reforms had been undertaken in Uzbekistan in the five previous years with the aim of transforming economic, social and cultural life in the country. The Development Strategy of New Uzbekistan for 2022–2026, a recently formulated strategy, built on those reforms. The National Human Rights Strategy for 2020–2025, another recently adopted strategy, would be implemented with the help of a road map for the realization of human rights, including economic, social and cultural rights.
4. Uzbekistan was firmly committed to achieving the Sustainable Development Goals and had developed national indicators to gauge progress in that respect. In 2021, at the high-level political forum on sustainable development, it had submitted its first voluntary national review of its efforts to implement the 2030 Agenda for Sustainable Development. In addition, a parliamentary commission had been established to monitor those efforts and at an international forum held in Bukhara in June 2021 participants had considered a number of specific issues related to the 2030 Agenda.
5. Systemic measures had been adopted to ensure that the people of Uzbekistan could exercise their economic, social and cultural rights but in the context of the ongoing coronavirus disease (COVID-19) pandemic, the accompanying global economic crisis and other developments a growing number of topical issues needed to be urgently resolved. Interaction between State agencies and civil society organizations, for instance, needed to be made more robust; efforts to provide greater social protection for vulnerable population groups had to be stepped up; and more needed to be done to raise awareness of the progress made in implementing reforms in the area of economic, social and cultural rights.
6. **Ms. Saran** (Country Rapporteur), welcoming what the State party had achieved since 2014, when it had previously appeared before the Committee, said that, despite those achievements, action had not been taken to follow up some of the recommendations that the Committee had made in its 2014 concluding observations.
7. She asked whether measures had been taken to ensure that the Covenant was invoked before and applied by the State party's courts and, if so, whether the judgments in which it had been invoked had been made public. She wondered whether the State party had made any efforts to raise awareness of the Covenant and Covenant rights among judges, lawyers and other public officials. In addition, she asked what measures, if any, had been taken or planned to prevent the interference by the executive and legislative authorities in the judiciary, particularly in the selection and appointment of the judges of the Constitutional Court and the Supreme Court; what the mandate of the Supreme Judicial Council was; what steps had been taken or planned to strengthen the Council; and what measures the authorities had taken to act on the recommendations made by the Special Rapporteur on the independence of judges and lawyers following his September 2019 visit to Uzbekistan.

8. She would welcome more information on the mandate of the Commissioner for Human Rights of the Oliy Majlis (Ombudsman). In particular, she wished to know how the Ombudsman helped to implement the Convention, whether the Ombudsman considered complaints, and what measures had been taken or were planned to ensure that the Ombudsman was fully independent and had the financial and human resources to fulfil his or her mandate.

9. Although the State party had taken welcome steps to facilitate the registration of NGOs and trade unions, she wished to know whether the Ministry of Justice could reject registration applications submitted by NGOs or trade unions and, if so, on what grounds. She asked how many such applications had been received in the previous five years and what percentage had been rejected. She also wished to know what progress had been made by the working group set up to draft a code on NGOs; what measures had been taken to involve civil society in the drafting process; whether the code would also apply to trade unions; and what measures were in place to ensure that NGOs and trade unions could operate freely.

10. She wondered how effective the State party's recent efforts to combat corruption, including the adoption of the Anti-Corruption Act (2017), had been. She asked how many investigations, prosecutions and sentences there had been in connection with allegations of corruption; what the mandate of the Anti-Corruption Agency was; whether the Agency could conduct inspections; and whether there were safe and accessible means of reporting corruption. In addition, she wondered whether any capacity-building programmes for public officials had been set up as part of the fight against corruption.

11. She wished to know what the State party's most important achievement had been in connection with its nationally determined contribution to the global response to climate change, what policies it had put in place to mitigate the impact – on the most marginalized groups, in particular – of natural disasters and climate change, and whether it took a human rights-based approach to combating climate change.

12. Noting that public spending in the State party, as a share of its gross domestic product, was low, she wondered what measures had been taken to increase such spending, whether the development of macroeconomic and budgetary policies included assessments of their human rights impact, and what the rates of poverty and extreme poverty in the State party were. She would also welcome information on the measures being taken to counter the adverse impact of the ongoing pandemic on the enjoyment of economic, social and cultural rights and on environmental services such as waste management.

13. She asked what steps the State party had taken to follow up the plans for a bill on equality and non-discrimination that were mentioned in its replies to the list of issues; what measures had been taken to decriminalize same-sex relations between consenting adults; whether consideration had been given to taking a human rights-based approach to dealing with HIV; and what efforts had been made to combat the violence, harassment and stigmatization to which lesbian, gay, bisexual, transgender and intersex persons were subjected, including by law enforcement officials.

14. She would welcome information, including disaggregated data, on the implementation of a 2017 presidential decree on political asylum and on the number of Afghan refugees who had entered the State party since August 2021. She wondered what measures had been taken to meet those refugees' basic needs and whether non-Uzbek nationals, including stateless persons, refugees and asylum seekers, had access to health care, education and legal employment. She also wondered what channels of complaint and redress were available to victims of discrimination; whether the State party had taken any steps to accede to the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees and the Convention on the Reduction of Statelessness; and whether any measures had been taken to facilitate the social reintegration of former political prisoners.

15. She wished to know what measures had been taken to tackle the gender gap in property ownership and the labour market, particularly occupational segregation by sex, and how well women were represented in decision-making and leadership positions.

16. She also wished to know whether national legislative and policy frameworks were being reviewed to ensure that they were compatible with a human rights-based approach to

disability, and whether the State party could provide data on persons with disabilities, broken down by sex, age and geographic location, and on their access to employment and public services such as health care.

17. Lastly, she wondered whether the State party was planning to develop a plan on business and human rights, and what regulations were in place to ensure that businesses respected Covenant rights. Did the State party have plans to ratify the Optional Protocol to the Covenant?

The meeting was suspended at 11.35 a.m. and resumed at 11.40 a.m.

18. **Mr. Saidov** (Uzbekistan) said that 95 per cent of the recommendations contained in the Committee's previous concluding observations (E/C.12/UZB/CO/2) had been implemented. The remainder had not been carried out because the Oliy Majlis had not yet ratified all the international human rights conventions. However, over the previous five years, it had ratified six of them, including the Convention on the Rights of Persons with Disabilities. In order fully to implement the latter, his country had adopted a law on the rights of persons with disabilities and an accompanying national action plan was being finalized. Neither the Convention relating to the Status of Refugees with the Protocol thereto nor the Convention on the Reduction of Statelessness had been ratified. However, Uzbekistan supported the initiative of the Secretary-General of the United Nations to eradicate statelessness. Some 70,000 persons who had fled the civil war in Tajikistan had received Uzbek citizenship. Another major achievement had been the full elimination of child labour. A determined effort was being made to end forced labour.

19. **Ms. Ataniyazova** (Uzbekistan), speaking via video link, said that, in the Republic of Qoraqalpog'iston, successful steps had been taken in the spheres of education, employment and health care to mitigate the impact of the environmental crisis in the region around the Aral Sea. As a result, in the previous four years, there had been an almost 60 per cent rise in the number of children receiving preschool education and over the same period the number of higher education establishments had increased from 4 to 10. It was hoped that by 2024 some 50 per cent of young people would pursue higher education courses.

20. As for gender equality, 32 per cent of the members of the Oliy Majlis were women and half of the senators from the Republic were women. Women actively took part in the decision-making process in ministries. Two universities had women rectors. The Republic had a training programme for women leaders and, in Nukus, economic and agricultural courses and programmes covering small and medium-sized enterprises were organized in an effort to promote economic, social and cultural rights.

21. **Ms. Marufova** (Uzbekistan), speaking via video link, said that in order to increase women's representation, some 15,000 women were being trained to work as civil and public servants. Temporary special measures had led to many women becoming municipal councillors or heads of various entities. Women were active in an advisory capacity in districts, cities and regions throughout the country. Temporary special measures had likewise triggered an increase in the number of girl students. In 2021, some 3,000 girls from low-income families had received support that had enabled them to attend higher education establishments and, in fact, 47 per cent of girls were receiving such education.

22. During the COVID-19 pandemic, several measures had been adopted to provide welfare to low-income families. A coordinating unit had been set up in all mahallas (local self-governing bodies) to supply basic necessities. A call centre had responded to some 100,000 calls for assistance. The Mahalla Fund had set up three subfunds to provide social assistance to low-income families.

23. **Mr. Muslimov** (Uzbekistan), speaking via video link, said that once Uzbekistan had acceded to an international convention, all its provisions were incorporated in national legislation. However, he could not provide any examples of cases in which the Convention had been directly applied in courts, although in July 2021 the parliament had adopted a new version of the Courts Act, which had taken account of all the Committee's recommendations. Courts were independent, since the judiciary was separate from the legislative and executive branches in accordance with the Constitution and the aforementioned Act. Further reforms

of the judicial and legal system were aimed at strengthening the independence of the judiciary, guaranteeing the reliable protection of citizens' rights and combating crime.

24. The Supreme Judicial Council provided all professional judges with training. The selection procedure of judges had been improved to make it consistent with international standards. The Constitutional Court's powers had been extended. Habeas corpus was implemented. The Protection of Victims, Witnesses and Other Participants in Criminal Proceedings Act ensured the safety of those persons, the members of their family and other persons close to them.

25. **Mr. Burkhanov** (Uzbekistan), speaking via video link, said that over the previous five years more than 70 legislative measures had been adopted to combat corruption. It had become State practice to devise new measures in that sphere every year. The Anti-corruption Agency had been established in June 2020. A road map had been adopted in December 2020 with a view to incorporating international anti-corruption standards into national legislation. A State programme to give effect to the road map sought to improve mechanisms for fighting corruption, reducing the risk of corruption in public procurement, preventing conflicts of interest, heightening the efficiency of anti-corruption bodies and bolstering international cooperation. The work of the Anti-corruption Agency was guided by those priorities.

26. The procedures for investigating corruption had been fine-tuned and, since the start of the year, representatives of academia, independent experts and individuals had the right to scrutinize draft laws to ensure their compliance with anti-corruption principles. Measures had been adopted to enhance public financial oversight. As from October 2021, internal anti-corruption audits had become mandatory in all ministries and government departments. Councils to fight corruption had been set up in all regions. Draft laws contained provisions on the compilation of an electronic register of individuals who had been found guilty of corruption and the declaration of civil servants' income and property.

27. In 2021, more than 7,000 persons had been convicted of corruption; over 4,000 of those crimes had been committed by State officials. Those guilty of such offences had been fined. The Agency could carry out unannounced inspections of all State bodies, including those in the executive branch. In 2021, it had conducted more than 50 inspections, which had resulted in charges being brought in over 70 criminal cases.

28. The Academy of the Procurator-General's Office held retraining courses for court officers on issues related to combating corruption. In 2021, the Agency and the Academy had jointly organized several courses for civil servants, and compliance control officers in ministries and government departments had taken part in online courses. In 2021, 400 civil servants had attended various courses. Other training programmes supported by the United Nations and the Council of Europe had likewise addressed the issue of preventing corruption. As part of the country's development strategy for 2022–2026, there were plans to create an online platform that would provide anti-corruption training for the business world and ordinary citizens.

29. **Mr. Saidov** (Uzbekistan) said that Uzbekistan was the only country to have created the position of a Commissioner for Protection of the Rights and Legitimate Interests of Entrepreneurs (Business Ombudsman). The office of the Commissioner was a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

30. **Mr. Kasimov** (Uzbekistan), speaking via video link, said that in recent years special attention had been paid to protecting the rights of businesspersons. To that end, the office of the Commissioner for Protection of the Rights and Legitimate Interests of Entrepreneurs had been set up by presidential decree in May 2020. Its powers were consistent with the Paris Principles and its activities, functions and rights were regulated by law. Its terms of reference included the coordination of activities to oversee the lawfulness of business dealings and transactions. It could carry out inspections and maintained an electronic register that recorded the results of such checks, the measures taken and the enterprises concerned. The register contained 230 reports of offences in which 1,600 entities were implicated. The 149 persons who had been found guilty of committing offences had been subjected to disciplinary measures or fined and 14 officials had been dismissed from their post. Administrative cases that had been referred to the courts had led to over 2,000 convictions. As a result of the

Business Ombudsman's action, property rights to more than 15,000 hectares of land had been restored. All draft laws that directly or indirectly concerned business had to be submitted to the consideration of the Business Ombudsman. His office had also itself drawn up more than 20 pieces of draft legislation. During the COVID-19 pandemic, it had helped to devise a number of measures to support small businesses in the tourism and hospitality sector, which had enabled more than 100,000 of them to resume their activities.

31. **Ms. Eshmatova** (Uzbekistan), speaking via video link, said that the parliamentary Ombudsman was elected by and reported to the national parliament and worked independently, in line with the Paris Principles. The Office of the Ombudsman had been accredited with category B status and was working to achieve category A status. The Office was exempted from the payment of court fees and was entitled to submit applications to the Constitutional Court. The status of the Ombudsman's regional representatives, who reported to the regional governments, had recently been strengthened.

32. In 2021, the Office of the Ombudsman had received more than 18,000 communications, including more than 4,500 relating to economic rights and more than 5,600 relating to social rights. In the same year, the Office had filed 43 lawsuits, seeking the payment of unpaid wages, the reinstatement of employment and the provision of social security. It had also issued 36 opinions and 14 recommendations to various government agencies.

33. **Mr. Saidov** (Uzbekistan) said that Uzbekistan had a system of national human rights institutions, including the parliamentary Ombudsman, the Business Ombudsman, the Children's Ombudsman and the National Centre for Human Rights, all of which operated in line with the Paris Principles. The principle of non-discrimination, including in relation to economic, social and cultural rights, was already enshrined in more than 20 laws, including the Labour Code, and would be addressed more comprehensively in a new bill on equality and non-discrimination.

34. The Act on the Rights of Persons with Disabilities had been adopted to ensure implementation of the Convention on the Rights of Persons with Disabilities. A national action plan on the rights of persons with disabilities had been developed, with broad participation by government bodies and civil society organizations.

35. Every year, Uzbekistan participated in the Forum on Business and Human Rights organized by the Office of the United Nations High Commissioner for Human Rights (UNHCR). All the key instruments relating to business and human rights had been translated into Uzbek and a draft national action plan on the subject had been prepared. Uzbekistan was considering ratification of the Optional Protocol to the Covenant. The repeal of article 120 of the Criminal Code, which criminalized homosexual relations, was being discussed by academic experts as part of an ongoing review of criminal law.

36. In 2021, a law on political asylum, compatible with all international standards, had been adopted. Over the previous 20 years, the authorities had worked closely with the Government of Afghanistan to reduce the number of Afghan refugees under the mandate of UNHCR from over 8,000 to 8. In Termiz, on the Afghan border, an educational centre for refugees and a logistics hub for humanitarian aid had been established in cooperation with UNHCR.

37. **Ms. Saran** said that she would like to know what remedies were available to the victims of violations of economic, social and cultural rights resulting from business operations.

38. **Mr. Hennebel** (Country Task Force) said that he wondered whether the State party planned to ratify the Convention relating to the Status of Refugees. He wished to understand the legal status in national law of the recommendations adopted by treaty bodies. He would like to know which grounds of discrimination would be prohibited under the bill on equality and non-discrimination. He wondered whether the Government would consider decriminalizing same-sex relations as part of its planned revision of the Criminal Code.

39. He would appreciate more information on the legal framework prohibiting forced labour and on the operation of the related regulatory mechanisms. He would like to hear the delegation's response to reports that public and private sector employees had been forced to

pick cotton or pay for replacement cotton-pickers during the 2020 harvest. He wished to receive up-to-date statistics on forced labour and the inspections carried out.

40. He wondered what domestic remedies and reparations were available to persons who had been victims of forced labour in the past. It would be useful to have information on the inspection system, particularly the State Labour Inspectorate, its mandate and how it verified compliance with the minimum wage requirement and the prohibition on forced labour. He wished to learn about the criteria used to review and adjust the level of the minimum wage.

41. He would be interested to hear about any measures taken to combat discrimination based on sexual orientation, gender, ethnicity and disability in the area of employment, particularly with regard to access to work and the labour market. He wondered what was being done to combat disability discrimination in the workplace. He would like to know whether the Government was considering amendment of the Labour Code to formally prohibit discrimination on the basis of disability. He wished to understand the legislative framework that could require companies to provide reasonable accommodation and the mechanisms to ensure compliance and effective implementation.

42. He would appreciate information about the impact of the COVID-19 pandemic on access to work and working conditions. He would like to know about any measures being considered to ensure equal pay for men and women and to reduce the harmful gender stereotypes that constituted a major obstacle for women's access to employment.

43. He wished to be provided with information on the development of trade union freedom. In particular, he was interested in the conditions for forming a new trade union and the number of applications to establish a trade union submitted in the previous five years. He wished to know what measures were planned or being taken to effectively guarantee the independence of trade unions and the protection of trade union members while exercising their union rights. He wondered whether trade unions were required to obtain prior approval from the Ministry of Justice for their activities and events. It would be useful to have statistics on trade union membership in the private and public sectors, as well as the number and percentage of employees who belonged to trade unions. He wished to be updated on proposed amendments to the Labour Act concerning the right to strike and how the effective and meaningful participation of relevant stakeholders, such as trade unions, was being ensured. He would appreciate a response to reports that the registration of humanitarian and human rights organizations was often refused arbitrarily.

44. He wished to be provided with up-to-date information on development of the social protection policy framework. He would appreciate comments on reports that almost half the population and one third of those living in poverty were not included in any social protection scheme. He would like to know how disadvantaged and marginalized groups were included in the social protection system. It would be useful to know the amounts of specific social benefits paid to disadvantaged groups, such as child benefits, family allowance, low-income benefit, disability allowance and benefits for older persons.

45. **Mr. Kasimov** (Uzbekistan) said that business entities whose rights had been infringed were entitled to complain to any administrative body, which was legally required to consider the complaint. If the complaint was ignored, the business entity could contact the office of the Business Ombudsman, which could impose an administrative fine. The Business Ombudsman also had the power to issue opinions and recommendations or institute court proceedings. Such action had resulted in the overturning of more than 150 illegal decisions of State bodies and of over 1,500 administrative penalties issued to business entities. More than 10 million dollars had been repaid to 400 businesses.

46. **Mr. Saidov** (Uzbekistan) said that the concluding observations adopted by treaty bodies had the legal status of recommendations. However, Uzbekistan took its international obligations very seriously and had implemented 95 per cent of the recommendations contained in the Committee's previous concluding observations.

47. Uzbekistan was a historically multi-ethnic, multi-faith, multilingual and multicultural country. It had demonstrated its commitment to tolerance as an initiator of the adoption of the Declaration of Principles on Tolerance. The equality of all citizens regardless of race, ethnicity, language, religion and social origin was enshrined in the Constitution. Whereas

previously the principle of equality had been incorporated in a number of different laws, the new bill on equality and non-discrimination would cover all forms of discrimination, including intersectional discrimination. It was currently under consideration by the Government, with input from civil society.

48. The country had changed its approach to the ratification of international conventions and now delayed ratification until it was able to ensure proper implementation. The repeal of article 120 of the Criminal Code was under consideration as part of the general review of criminal law. However, the Government must consider the extremely negative social attitudes to homosexuality prevalent in Uzbekistan. No incidents of discrimination in employment or other areas on the basis of sexual orientation had been recorded.

The meeting rose at 1 p.m.