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JOINT STAFF WORKING DOCUMENT

The EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of the Republic of Uzbekistan covering the period 2020-2022

Accompanying the document

Joint Report to the European Parliament and the Council

on the Generalised Scheme of Preferences covering the period 2020-2022

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1 SUMMARY ASSESSMENT

The Republic of Uzbekistan (Uzbekistan) is the newest GSP+ beneficiary. The significant opening and reform efforts since 2016 have had overall a positive effect on compliance with international standards. The Uzbek authorities have positively engaged with GSP+ and the commitment to effectively implement the relevant international conventions. Shortcomings, nonetheless, remain and worrying backtracking has been noted particularly in civil and political rights. These issues will have to be addressed to ensure Uzbekistan continues to comply with GSP+ requirements.

1.1 Priorities and Monitoring

Uzbekistan joined GSP+ in April 2021 ⁽¹⁾, after formally applying for the scheme in June 2020. The Commission's examination of the application ⁽²⁾ found no evidence of serious failure to effectively implement the GSP+ related international conventions. Nonetheless, the review of monitoring body reports and pre-application dialogue at the time identified shortcomings in implementation, notably regarding freedom of association and assembly, freedom of expression, anti-discrimination, torture and ill-treatment, gender-based violence, labour inspections, the full eradication of forced labour, and the then on-going revision of the Labour Code. These findings set the monitoring and engagement priorities for Uzbekistan's first GSP+ monitoring cycle. The EU's first GSP+ monitoring mission of March 2022 ⁽³⁾, back-to-back with the EU-Uzbekistan Human Rights Dialogue ⁽⁴⁾, noted additionally worrying developments curtailing freedom of expression and association, as well as LGBTIQ people's rights.

1.2 Human Rights

In 2020-2022, the human rights situation in Uzbekistan was mixed. The government made some progress in respecting human rights in several areas including priorities in the National Human Rights Strategy of June 2020 such as women's equality and tackling torture and ill-treatment in detention. The ratification of the UN Convention on the Rights of People with Disabilities in 2021 and the criminalisation of gender-based violence are significant achievements. However, the process of democratic reforms, which had produced significant improvements in protection of human rights since 2016, has slowed down since President Shavkat Mirziyoyev's re-election in October 2021.

There was some backsliding, especially regarding civil and political rights and freedom of expression. Several bloggers and journalists were harassed or jailed during 2021 and 2022 on charges of defamation, libel, or insult of the President. Independent NGOs still find it

⁽¹⁾ http://data.europa.eu/eli/reg_del/2021/576/oj

All links provided in this Staff Working Document were up to date as of 20 October 2023.

⁽²⁾ <https://ec.europa.eu/transparency/regdoc/rep/10102/2020/EN/SWD-2020-297-F1-EN-MAIN-PART-1.PDF>

⁽³⁾ https://www.eeas.europa.eu/delegations/uzbekistan/gsp-monitoring-mission-visited-uzbekistan_en?s=233

⁽⁴⁾ https://www.eeas.europa.eu/eeas/uzbekistan-eu-uzbekistan-subcommittee-justice-and-home-affairs-human-rights-and-related-issues_en

extremely difficult to register. LGBTIQ rights remain of concern as same sex relations are still criminalised. Concerns remain also over the lack of legal definition of domestic violence and the absence of marital rape from the criminal code. Several expected legislative acts, such as a new NGO Code and Criminal Code are still to be published and their first drafts were not fully in line with the country's international commitments. Legal rehabilitation for released political prisoners remains outstanding. Independent and effective investigation of torture allegations, accountability of perpetrators, and support to victims remain to be strengthened.

1.3 Labour Rights

The International Labour Organization (ILO) Third-Party Monitoring (TPM) of child labour and forced labour during the 2020 and 2021 cotton harvest in Uzbekistan confirmed that the Uzbek cotton sector was free from systematic forced and child labour⁽⁵⁾. Uzbekistan will need to take forward this success and ensure consistent follow-up to not only end forced labour but also to support workers' rights as the industry is poised to grow to meet increased demand.

Other issues remain high priority, such as ensuring that sanctions involving compulsory labour are not applied as a punishment for the expression of political or ideological views or for participation in strikes (ILO Convention No. 105); applying appropriate procedures for registration of trade unions by amending the NGO Code (ILO Convention No. 87); guaranteeing the possibility of trade union pluralism, including the establishment of independent organisations outside the traditional trade union structure; ensuring that the Law on Trade Unions is compatible with Conventions No. 87 and No. 98; and recognising and regulating the right to strike (Convention No. 87). The full abolition of child labour, along with increasing the efficiency of labour inspections remain to be pursued. Implementation of ILO Convention No. 111 regarding discrimination on the grounds of political opinion, colour, national extraction, religion, disability, or indirect discrimination, and ensuring clarity and transparency in relation to ILO Convention No. 100 on equal pay for men and women for work of equal value by undertaking a full analysis on the gender pay gap are further issues that need to be addressed. The revised Labour Code of 2022⁽⁶⁾ appears to address some of these gaps, notably with regards to ILO Conventions No. 100 on Equal Remuneration, No. 111 on Discrimination (Employment and Occupation), and No. 98 on the Right to Organise and Collective Bargaining, and overall strengthens legal rights of workers and responsibilities of employers.

1.4 Environment and Climate

Uzbekistan's government has increased its ambition in fighting climate change by updating its nationally determined contribution (NDC) under the Paris Agreement on Climate Change and committing to reduce greenhouse emissions by 35% by 2030 compared to 2010 levels, conditional on support from the international community. Uzbekistan also joined the Methane Pledge in 2022⁽⁷⁾ and has in place ambitious action plans on biodiversity and large-scale reforestation projects in the Aral Sea region.

⁽⁵⁾ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_846680.pdf

⁽⁶⁾ The CEACR is yet to examine the revised Labour Code and its conformity with Conventions Nos. 87, 98, 100, and 111.

⁽⁷⁾ The Global Methane Pledge was launched at COP26 in November 2021 in Glasgow. Participants joining the Pledge agree to contribute to a collective effort to reduce global methane emissions at least 30% from 2020 levels by 2030 (global target), which could eliminate over 0.2°C warming by 2050.

1.5 Good Governance

Several positive measures have been undertaken by the government since the change of Presidency in 2016. Anti-corruption efforts are on-going and important steps such as the establishment of an independent anti-corruption body in 2020 have been taken. However, challenges in implementation, including tackling corruption among high-ranking officials, remain.

1.6 Status of Ratification and Reporting

Uzbekistan has ratified all 27 GSP+ relevant international conventions and has no incompatible reservations. The government is mostly compliant with its reporting obligations under the conventions, except for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Basel Convention on Transboundary Movements of Hazardous Waste and Their Disposal, where several reports are outstanding (see Annex for details). The Stockholm Convention on Persistent Organic Pollutants and the Cartagena Protocol on Biosafety were ratified in 2019, before GSP+ application, and transitional reporting periods apply.

2 LONG-TERM VIEW

Uzbekistan is the newest GSP+ beneficiary, having joined the scheme in April 2021. Prior to submitting a formal application in June 2020, Uzbekistan ratified three remaining GSP+ relevant conventions: the Cartagena Protocol and the Stockholm Convention in 2019, and the United Nations Framework Convention on Climate Change (UNFCCC) in 2017. As part of the pre-application process, Uzbekistan engaged in detailed discussions on the implementation of the 27 GSP+ relevant conventions, including through a fact-finding visit in February 2019, engagement in high level meetings such as Human Rights Dialogues, and technical discussions in 2020.

Since 2016, Uzbekistan with President Mirziyoyev has embarked on a path of ambitious reforms, transitioning to democracy and market economy. Uzbekistan has made clear progress with respect to the implementation of the GSP+ related international conventions. The progress has generally been strongest regarding legislative adjustments and relevant policies but has varied with respect to enforcement and implementation. The latest developments (see Section 3 and 5) threaten to undo some of these advancements.

In the long-term, positive developments regarding the implementation of the UN Convention Against Torture were noted in the country (e.g., the closure of the Jaslyk prison and the amendment of the Ombudsman Act, extending the powers of the Ombudsman to conduct preventing monitoring of all detention facilities). Uzbekistan took efforts to advance women's rights and adopted legislation on equal rights and opportunities, protection of women from violence, and an equal minimum age for marriage at 18 years old.

Uzbekistan has made remarkable progress in the eradication of child and forced labour as seen in the 2020 and 2021 ILO TPM of the cotton harvest where systematic forced and

child labour did not occur⁽⁸⁾. In 2019, Uzbekistan ratified ILO Convention No. 144 on Tripartite Consultation (International Labour Standards) and the Republican Tripartite Commission on Social and Labour Issues (RTC) was established to implement its key provisions. Moreover, in 2019 Uzbekistan ratified the 2014 Protocol to ILO Convention No. 29 on Forced Labour and a new (2020) law on trafficking in persons was adopted to improve access to the government's services and to enhance protection for victims of trafficking, including children.

In recent years, Uzbekistan has made good progress in the implementation of international agreements in the areas of biodiversity and climate change, with the ratification in 2019 of the Cartagena Protocol to the Convention on Biological Diversity, the ratification of the Paris Agreement on Climate Change in 2018, and uptake of various national regulations and implementing measures to support achieving targets set. Financial support and active cooperation from various international bodies has helped Uzbekistan submit several national reports on the implementation of these conventions and agreements.

The drug control regime in Uzbekistan has been strengthened over time and does not raise major concerns. Regarding anti-corruption efforts, Uzbekistan has undertaken far-reaching reforms since 2016, which are reflected in numerous laws and decrees, and the government has shown a strong stance against corruption. Their implementation and enforcement are on-going.

As a result of trade reforms and the rapid opening up of the country, external trade in goods has surged and the share of commodities in exports has declined⁽⁹⁾. Trade in services increased significantly in 2017-2019. Exports of commodities have diversified, and they continue to account for more than half of all exports. The exports destinations have been diversified through efforts to attract foreign direct investment mainly in processing of natural resources and building local production capacity. Uzbekistan's imports into the EU more than quadrupled from an annual average of €174 million in 2017-2020 to €720 million in 2022 (Eurostat data). Unlike most other GSP countries, there was no contraction in exports to the EU during the pandemic year 2020, and the export increases of 139% in 2021 and another 77% in 2022 were extraordinary.

The most important barriers to Uzbekistan's exports are domestic rather than international. As a landlocked country, Uzbekistan faces high trading costs, compounded by poor – although improving – logistics and uncertainties imposed by present trade regulations. One of Uzbekistan's top priorities is to get an easier access to the open sea and to develop transport connections in different directions, including with China, South Asia through Afghanistan and Pakistan, and Europe. High costs linked to trade across borders can be lowered through the implementation of the World Trade Organization (WTO) Trade Facilitation Agreement.

The government has recently made WTO accession one of its main priorities. Uzbekistan is among the few GSP beneficiaries not yet a member, and WTO accession could greatly advance the country's goal to integrate into the global trade system. The EU supports Uzbekistan's aspiration to join WTO and to this end, since early 2020 has been funding and implementing with the International Trade Centre (ITC) a €5 million action "Facilitation Uzbekistan Accession to WTO". Uzbek authorities are also working to

⁽⁸⁾ In March 2022, the ILO has welcomed the decision by Cotton Campaign (joined among other stakeholders by 331 international brands and retailers) to end its call for a global boycott of Uzbek cotton products which was imposed in 2011 because of the use of child and forced labour during the cotton harvest. https://www.ilo.org/europe/info/news/WCMS_839591/lang--en/index.htm

⁽⁹⁾ World Bank Uzbekistan Country Economic Memorandum of July 2021.

improve the country's customs administration and facilitate enterprises' connections to global value chains, including through reducing the cost of ISO certification for SMEs.

In late 2018, the EU and Uzbekistan started the negotiations of an Enhanced Partnership and Cooperation Agreement (EPCA). Formal initialling of the agreed text took place in July 2022 and signature is expected in 2024. It reflects a shared interest in strengthening bilateral relations and supporting ongoing reforms in Uzbekistan, including in trade.

3 RECENT DEVELOPMENTS

In November 2021, following his re-election to a second term, President Mirziyoyev reconfirmed his commitment to pursue the reforms in political, economic, and social spheres opening up for a “New Uzbekistan”. He promised a more democratic, prosperous, fair, green, and inclusive growth. This vision is outlined in the country's new Development Strategy 2022-2026 of February 2022. At the same time, the country has also moved to increase presidential power and decrease that of parliament and the Prime Minister, including through constitutional changes, and there appears to be a worrying decrease of civil society space (see Section 5.1 for more details) ⁽¹⁰⁾.

President Mirziyoyev is looking to accelerate the roll-out of reforms to make changes ‘irreversible’, including through the new Constitution, adopted by referendum on 30 April 2023. The amendments to the Constitution are substantial and bring positive changes, including through the constitutionalisation of a number of human, social, and economic rights. Among the most noticeable addition to the Constitution are the definition of the State as “secular and social”, the ban of death penalty (although the death penalty is already banned through ordinary legislation), the interdiction of censure, equality between man and woman, a strong focus on children and youth rights. The amendments also open the way to land privatisation. There are more controversial elements such as the extension of the President's mandate to seven years, a legal possibility to reset counters of executive mandates, as well as a provision to limit freedoms and rights based on a vaguely defined “public morality”. In a move to seek further endorsement of the changes introduced in the new Constitution and for the President's reform programme, early presidential elections were called on 9 July 2023. President Mirziyoyev was re-elected in a ballot qualified by the Organisation for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) as technically well prepared but lacking genuine political competition. Under the new Constitution the new mandate will be counted as the President's first, opening the way to his standing for re-election once again in 2030 and serving as President until 2037.

The sound macro-economic situation gives Uzbekistan a margin of manoeuvre to implement reforms, though more will be needed to reach the goal to halve poverty by 2026. Despite external shocks, the authorities continued structural reforms which have included liberalising domestic prices and reducing crop placement requirements for cotton and wheat; increasing transparency in public procurement through a public portal; doubling the size of the social safety net; improving corporate governance by appointing more

⁽¹⁰⁾ The European Parliament's resolution of 4 October 2023 on Uzbekistan also reflects on the constraints and challenges facing Uzbekistan, as well as the challenging human rights situation in the country.

independent members to supervisory boards; selling mid-sized state enterprises and many smaller assets; and finalising laws on public debt and the labour market.

After a period of relative political stability, countries in Central Asia have encountered challenges in 2021 and 2022, including as a result of the developments in Afghanistan. Uzbekistan has not been fully immune, with large-scale protests and reported disproportionate use of force by security services in early July 2022 in the autonomous Republic of Karakalpakstan. The protests were triggered by the proposal to remove from the Constitution Karakalpakstan's long-standing right to secede from Uzbekistan and any mention of the autonomous Republic's sovereignty. According to official reports, unrests left 22 people dead and 500 arrested. This proposal was withdrawn and does not feature in the newly adopted Constitution.

Despite the COVID-19 pandemic and Russia's unprovoked and unjustified war of aggression against Ukraine, in 2020-2022 Uzbekistan's economy has been demonstrating strong resilience and noted economic recovery. The pandemic caused a sharp slowdown in 2020, particularly in trade, tourism, and transportation. Nonetheless, real economic growth remained positive at 1.9% ⁽¹¹⁾. Further to a 7% GDP growth in 2021, supported by government's stimulus measures, there has been limited impact on the country's economy and, despite still existing risks, the GDP growth was 5.7% in 2022 and has been forecasted at 5.1% in 2023 ⁽¹²⁾. The government is working hard to handle the spill-over effects of the war, including through increasing foreign debt. Uzbekistan's official position on Russia's war against Ukraine is consistently neutral in view of country's vulnerabilities vis-à-vis Russia based on a combination of economic and security factors. In 2021, Russia became Uzbekistan's largest trading partner, with a trade value reaching almost €6 billion and 70% of Uzbek trade going to or through Russia. Russia amounts to 60% of Public Investment Programme in Uzbekistan. Around 4 million Uzbek workers find employment in Russia.

EU–Uzbekistan Development Cooperation

The bilateral allocation for Uzbekistan for 2021-2024 under Multiannual Indicative Program (MIP) amounts to €76 million. Bilateral cooperation in that period focuses on three priority areas: (1) effective governance and digital transformation, (2) inclusive, digital, and green growth, and (3) development of a smart, eco-friendly agri-food sector. The bilateral Team Europe Initiative “Support to a modern and sustainable agri-food sector and resilient livelihoods” builds synergies across all three priority areas.

Under the regional MIP 2021-2027, the EU also continues to support Uzbekistan in key sectors such as private sector development, trade, entrepreneurship, border management, and rule of law. Additional thematic funds support civil society, human rights, skills development, COVID-19 immunisation and health. Cross-cutting issues, including gender equality and the gender pay gap, support to vulnerable groups, human rights, and digitalisation, are considered across the programme.

4 EU–UZBEKISTAN TRADE AND GSP+

In 2022, the EU share in total Uzbekistan's exports amounted to 3.8%, substantially more than the 1.2% in 2021 but still much lower than Russia, China, and Türkiye, the key export destinations together accounting for 38% of total export value (€14.6 billion in 2022, an

⁽¹¹⁾ World Bank, <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=UZ>

⁽¹²⁾ World Bank, <https://www.worldbank.org/en/country/uzbekistan/overview>

increase of over 23% compared to 2021) ⁽¹³⁾. Other key export destinations have been in the Central Asia region: Kazakhstan, Kyrgyzstan, Afghanistan, and Tajikistan. Industrial goods, food products, and chemicals were the main exported products.

After the EU granted Uzbekistan GSP+ status in April 2021, it replaced the less generous Standard GSP arrangement, and has allowed for around two thirds of product tariff lines to be exported duty free to the EU market. While it is too early to establish firm trends in the use of GSP+, there are already signals this has the potential to diversify the country’s export destinations and increase exports to the EU. While already relatively high, there is room for improvement in Uzbekistan’s GSP+ utilisation rates.

There are several opportunities for Uzbekistan’s exporters to improve the use of their newly acquired tariff-free access to the EU market under GSP+. Anticipated growth in production of machinery, automotive, hi-tech goods, and medical equipment in the EU will increase demand for various electronic subcomponents and metal parts. Uzbekistan can further build on its success and expand production of electronic goods and subcomponents thanks to lower operating costs. Moreover, the EU’s shift to a green economy and the need to diversify supplies of metals and critical raw materials could further boost exports from Uzbekistan. However, the absence of sea access and the long physical distance to the main manufacturing hubs in the EU could be hurdles constraining some of the growth potential.

Figures 1-4 describe Uzbekistan’s utilisation of the GSP+ in the context of the EU’s overall imports from Uzbekistan ⁽¹⁴⁾.

Figures 1 and 2 show that between 2019 and 2022 the value of goods imported to the EU from Uzbekistan under GSP ⁽¹⁵⁾ has more than quadrupled (from €94 million to €454 million), in line with total import increase (from €172 million to €720 million). Actual revenue loss to the EU budget due to eliminated import tariffs, meaning savings for EU importers who could share this benefit with Uzbek exporters, grew more than ten-fold in the same period (from €2.5 million to almost €28 million), substantially higher than the €6.7 million projected in 2020, i.e., before Uzbekistan’s accession to GSP+. The total GSP+ utilisation rate (how much of the products eligible for GSP+ used the preferences) steadily increased to almost 93% in 2022.

Figure 1: EU imports from Uzbekistan and GSP utilisation rate, 2019-2022

	2019	2020	2021*	2022	Trend %
Total imports, € million	172.3	174.4	384.1	719.7	317.7
GSP+ eligible, € million	106.7	120.4	265.3	489.8	359.2
GSP+ used, € million	93.6	108.5	240.1	454.0	385.0
Share GSP+ in total, %	61.9	69.1	69.1	68.1	
GSP+ utilisation rate, %	87.7	90.1	90.5	92.7	

Top GSP import products were traditionally S-11a textiles and S-07a plastics (€129 million and €52 million preferential imports in 2022, respectively), but were overtaken in 2022 by

⁽¹³⁾ ITC TradeMap data.

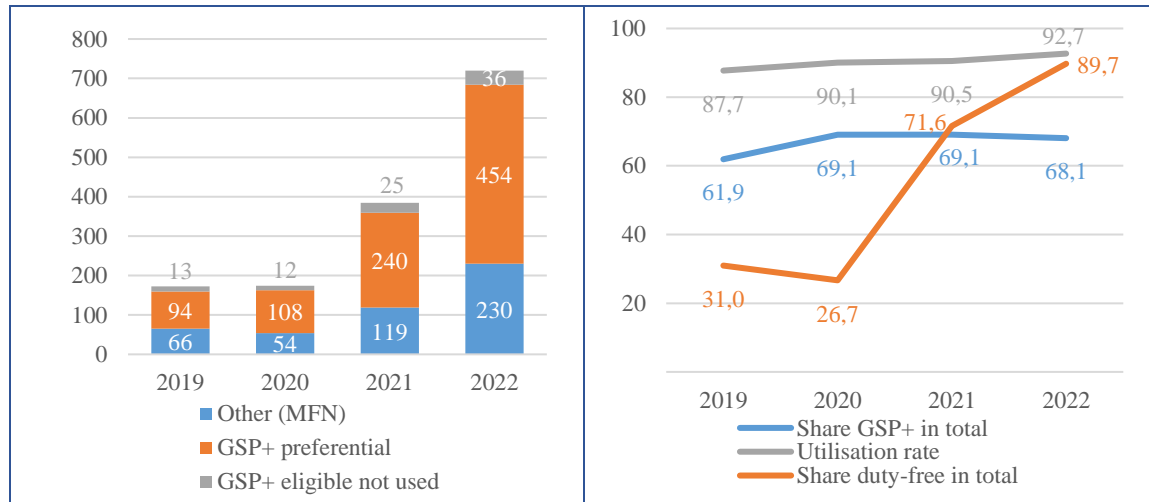
⁽¹⁴⁾ Source for all statistics: Eurostat data as of September 2023. GSP statistics only cover goods imported into the EU market, i.e., goods released for free circulation in the EU. The GSP statistics do not cover other EU-imports, like goods imported for the customs inward processing procedure or re-imports after the customs outward processing procedure. Trade flows registered as “confidential” do not appear in the GSP+ usage figures and regime 1 normal trade; but do appear in total trade figures (regime 4). https://ec.europa.eu/eurostat/cache/metadata/en/ext_go_agg_esms.htm#conf1537195068659

⁽¹⁵⁾ GSP+ applied since 1 April 2021, prior to this date Uzbekistan benefitted from the Standard GSP.

a newly emerged sector, S-6b pharmaceuticals and other chemical products (€189 million imports in 2022) (Figure 3). This sector also benefitted most from eliminated tariffs, followed by textiles, and plastics (Figure 4).

*GSP+ applied since 1 April 2021, prior to this date Uzbekistan benefitted from the Standard GSP.

Figure 2: EU imports from Uzbekistan by trade regime (€ million) and utilisation rates (%), 2019-2022



*GSP+ applied since 1 April 2021, prior to this date Uzbekistan benefitted from the Standard GSP.

Figure 3: Top Uzbek product groups benefitting from GSP+ tariff preferences, 2022, € million

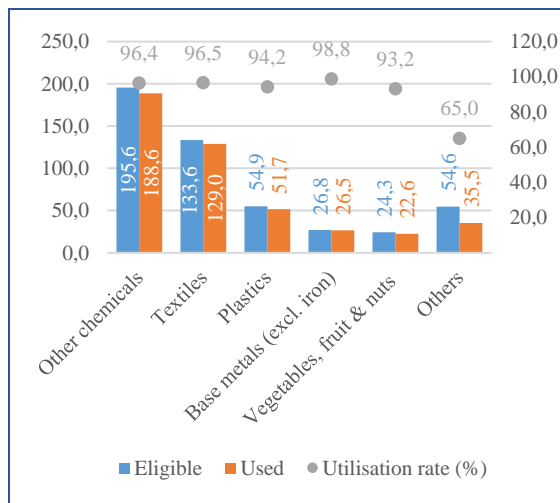
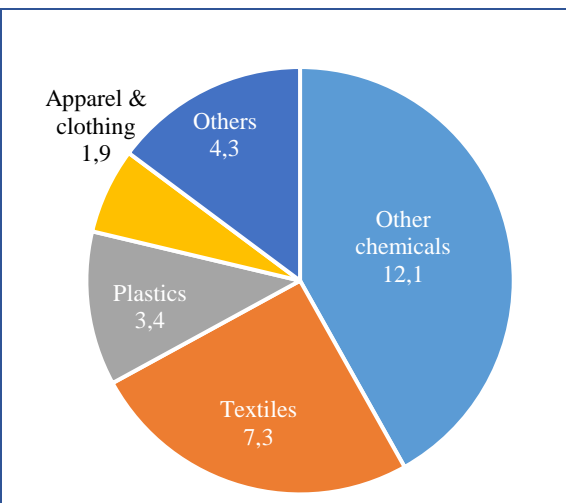


Figure 4: GSP+ tariff reduction gains per product group, 2022, € million



5 COMPLIANCE WITH GSP+ OBLIGATIONS

5.1 UN Human Rights Conventions (Conventions 1-7 ⁽¹⁶⁾)

In 2020, Uzbekistan became a member of the UN Human Rights Council (UNHRC), and one year later Uzbekistan's Ambassador to the UN was elected as one of the vice presidents of the UNHRC for 2022.

At the same time President Mirziyoyev pledged to continue democratic reforms, including the creation of conditions "for a free functioning of the civil society" and improving human

⁽¹⁶⁾ Following the list of GSP-relevant conventions in Annex VIII of the GSP Regulation.

rights protection. To this end, the National Human Rights Strategy (NHRS) and the Roadmap for its implementation were adopted on 22 June 2020.

5.1.1 International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

In its Concluding Observations from 2020 ⁽¹⁷⁾, the CERD Committee noted some progress at the legislative, policy and institutional levels, in particular in 2017.

The Committee also pointed out main challenges in implementation: the lack of a definition of racial discrimination on all prohibited grounds and the lack of legislation that prohibits all forms of racial discrimination, provides for penalties in case of violation, and establishes remedies and redress mechanisms. The Committee expressed concern that Luli/Roma were confined to a low level of education, informal employment, temporary housing, and unaffordable medical services. Many remain without state issued documentation, undermining their access to basic services. Next to that, the Committee found that Uzbek legislation was not fully in line with Article 4 of the Convention, specifically regarding provisions on freedom of expression and the right to peaceful assembly of ethnic groups and expressed concern about the absence of a normative framework on the rights of ethnic minorities.

5.1.2 International Covenant on Civil and Political Rights (ICCPR)

The Concluding Observations of the Human Rights Committee under the ICCPR, issued on 1 May 2020 ⁽¹⁸⁾, noted some positive legislative developments in particular in 2019, and pointed out serious challenges regarding Uzbekistan's implementation of the ICCPR.

Positive developments were marked by the Committee regarding the release of some persons detained on what appeared to be politically motivated charges, but concerns remained on the reported high number of such persons that are still deprived of liberty. Former prisoners have not been legally rehabilitated as their unjust convictions have not been overturned.

Concerns were also expressed with respect to unjustified restrictions of freedom of expression, because of the criminalisation of defamation and insult of the President in 2021, and of dissemination of false information, and because of the over-regulation of mass communication, information technologies, and the use of the Internet allowed under current legislation. This backtracking was introduced by amendments to the Law on Mass Media in 2021 which, on a more positive note, also ease registration requirements for mass media outlets. A draft Information Code was published in December 2022 for public consultation, with the objective to unify and harmonise all legislation on Media/Information. The draft included some concerning elements, but further consultations, including with international organisations, are planned. In 2021, Uzbekistan's Criminal Code was modified to remove prison sentences for libel in the press, but at the same time provisions that criminalise online public insult or slander of the President were introduced. This led to the imprisonment of several bloggers in early 2022.

⁽¹⁷⁾ UN (2020) Concluding observations CERD/C/UZB/CO/10-12.

⁽¹⁸⁾ UN (2020) Concluding observations CCPR/C/UZB/CO/5.

During the reporting period, the legislation has significantly restricted the right to freedom of peaceful assembly. NGOs without official registration are barred from organising or holding public meetings. Prior authorisation for holding mass events is required 15 working days before the event. Restrictions on the right to freedom of association also remained a concern of the Human Rights Committee due to lengthy and burdensome legal and administrative registration requirements for NGOs and political parties; an extensive list of reasons for the denial of the registration; the requirement for NGOs to obtain approval from the Ministry of Justice regarding travelling abroad and receiving foreign funds; and the prohibition of NGOs from participating in “political activities”. A resolution of the Cabinet of Ministers from June 2022 strengthens governmental control over NGOs activities implementing foreign funding.

EU–Uzbekistan Development Cooperation on Civil and Political Rights

The EU supports Uzbekistan in enhancing protection of human rights mainly through the European Instrument for Democracy and Human Rights (EIDHR) and Civil Society Organisations and Local Authorities (CSO-LA) thematic instruments. Some on-going projects include:

- Strengthening Civil Society to Advance Women’s Rights through Advocacy, Protection and Empowerment in Uzbekistan (ACTED)
- Empowering independent teachers’ associations
- Strengthening the role of civil society and building sustainable cooperation in promoting human rights and gender equality
- ACTORS OF URBAN DIALOG: Growth of activism
- #YoshStan: Raising Youth Voices in Local Decision-Making
- Transparent and inclusive governance through innovation and collaboration between civil society and local authorities
- Innovative Uzbekistan

5.1.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The Concluding Observations of the ICESCR Committee of 31 March 2022 ⁽¹⁹⁾ indicate that Uzbekistan has taken several legislative, institutional, and policy measures to enhance the realisation of the rights under the Covenant since the previous periodic report from 2014.

Although not required under the current GSP Regulation, the ratification by Uzbekistan of the UN Convention on the Rights of Persons with Disabilities (CRPD) in June 2021 was a major achievement. A national action plan is pending to strengthen the inclusion of disabled persons in the social sphere, promoting more inclusive and accessible communication, and facilitating their access to public places, including medical and educational facilities.

Reports of discrimination, harassment, violence, and intimidation against LGBTIQ persons were recorded, which hindered their enjoyment of economic, social, and cultural rights. The criminalisation of consenting same-sex adult relationships reinforces existing prejudices, increases stigmatisation, legitimises discrimination, and can result in rendering LGBTIQ persons even more vulnerable to human rights abuses and violence. The lack of a comprehensive legal and policy framework for refugees and asylum seekers hindered their access to basic services.

⁽¹⁹⁾ UN (2022) Concluding observations E/C.12/UZB/CO/3.

Due to the growing number of urban development projects, forced evictions without prior consultation of the affected residents have been reported, despite the relevant provisions in the national legislation on property and land deprivation. International organisations, including the Office of the High Commissioner on Human Rights (OHCHR), note that the legislation of Uzbekistan neither defines evictions nor sets out clear procedures for lawful evictions and adequate compensation.

5.1.4 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

In its Concluding Observations on the 6th periodic report of 1 March 2022 ⁽²⁰⁾ regarding Uzbekistan's implementation of the Convention, the CEDAW Committee noted progress made by the Uzbek authorities in establishing a progressive national legislative framework to protect women's rights and promote gender equality. In 2019, the Law on Guarantees of Equal Rights and Opportunities for Women and Men was adopted; however, it was found not fully in line with the Convention, notably with respect to the definition of discrimination which does not cover intersecting forms of discrimination.

Persistent inequalities between women and men in employment, political, and public life continued to exist and were also highlighted by the Human Rights Council in its Concluding Observations of 1 May 2020. In practice, women earn less than men and are disadvantaged in the formal sector. Representation of women in decision-making and leadership positions in the judiciary, the legislative, and the executive bodies remains low. Reports of forced and early marriages, de facto polygamy, and domestic violence against women remains a concern. Women continue to face barriers in access to justice and have limited knowledge about their rights. A high incidence of gender-based violence against women remains a concern despite the adoption of the Law on Protection of Women against Harassment and Violence in 2019.

During the reporting period, the government made efforts to improve the institutional and policy framework aimed at accelerating the elimination of discrimination against women. To that end, a Strategy for Achieving Gender Equality until 2030 and the programme of comprehensive measures for the implementation of this Strategy in 2021-2022 (updated on annual basis) were adopted ⁽²¹⁾. In addition, in 2020 the new Law on Combatting Trafficking in Persons was adopted, replacing the Law of 2008. On 11 April 2023, the President of Uzbekistan signed amendments to the legislation on the protection of the rights of women that criminalise domestic violence and provide women and children with additional legal protection mechanisms – a significant positive step.

5.1.5 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

In its Concluding Observations of 14 January 2020 ⁽²²⁾, the CAT Committee noted several positive developments regarding the implementation of the Convention. The Yaslyk prison – where acts of torture had been documented – was closed in 2019. In the same year, the Ombudsman Act was amended to stipulate that those deprived of liberty are

⁽²⁰⁾ UN (2022) Concluding observations CEDAW/C/UZB/CO/6.

⁽²¹⁾ According to the Resolution of the Senate of 28 May 2021 on the approval of this Strategy, the number of women in the national parliament has reached the level set by the UN, i.e. 32% (2021), and put Uzbekistan on the 37th place among 190 parliaments in the world. In the same year the share of women in management positions amounted to 27%, in political parties - 44%, in higher education - 40%, in entrepreneurship - 35%. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/114128/143281/F-1296270958/UZB-114128.pdf>

⁽²²⁾ UN (2020) Concluding observations CAT/C/UZB/CO/5.

entitled to make an unlimited number of written complaints to the Ombudsperson and that the latter can conduct preventative monitoring of all detention facilities. A national preventative mechanism has been established in the form of the Ombudsman Plus. In 2021-2022, the Ombudsperson has conducted several monitoring missions in prisons, accompanied by independent civil society representatives. Uzbekistan has not yet ratified the Optional Protocol to the CAT (OPCAT), though ratification is said to be planned. The Law on Fundamental Legal Safeguards and the Law on the Personal Safety of Detained Persons were adopted in 2020.

Main challenges pointed out by the CAT Committee included reports of torture and ill-treatment in prisons, denial of adequate care, and ongoing practice of subjecting prisoners to forced labour; failure to undertake independent investigation into allegations of violence against detainees and to ensure that effective complaints mechanisms are accessible, especially to women in detention; and failure to ensure the effective and independent monitoring of places of detention. Civil society organisations have reported acts of torture and ill-treatment in detention, including torture with respect to persons detained for political reasons or on treason charges. Also, the Committee expressed concerns that prosecutors and judges tended to disregard investigations into allegations of torture. The definition of torture in the Criminal Code was found to be not in line with the provisions under the ICCPR.

Human rights defenders faced arbitrary detention, surveillance, and harassment, which did not allow them to continue their work on human rights protection. The treatment of children in detention was also reported as a matter of concern, notably regarding the imposition of solitary confinement and ill-treatment during investigation. Finally, the Committee was discontent that Uzbekistan did not carry out an impartial and effective investigation into the events of May 2005 in Andijan. In May 2022, the Law on the Compensation and Rehabilitation of the Victims of Torture and Ill-treatment was passed, which is a positive development.

5.1.6 Convention on the Rights of the Child (CRC)

In September 2022, the Committee on the Rights of the Child concluded its consideration of the 5th periodic report of Uzbekistan under the CRC ⁽²³⁾.

The Committee commended the State on its will to promote children's rights. The CRC also commended the establishment of the Children's Ombudsman (as a deputy of the parliamentary Ombudsman) in 2020 and of a special commission in Parliament to monitor the implementation of Uzbekistan's international commitments to human rights. The Ombudsman and the Children's Ombudsman conducted visits to prisons and to the children's colony for minors. In 2022, around 484 minors were in prison in Uzbekistan, accounting for 13% of all convictions. State protection and legal assistance was provided to minors undergoing court proceedings. A new Criminal Code is being prepared which will include the regulation of detention facilities for minors.

Between 2019 and 2022, a programme was adopted in cooperation with the UN Children's Fund on the deinstitutionalisation of homes and boarding schools - 19 out of 22 such institutions have been closed. The children living there returned to their families, close relatives, or moved to foster homes. Some children were housed in family children's homes, developed so that children could integrate back into normal life in a family context.

⁽²³⁾ UN (2022) Concluding observations CRC/C/UZB/CO/5.

The Committee asked questions about the low share of benefits in the total social budget and on specialised juvenile courts ⁽²⁴⁾. On the former, the government ensured that material benefits had been provided for children belonging to low-income families, while pensions and benefits had increased for persons with disabilities and persons with health issues, as well as families who had lost their providers. The topic of juvenile justice was very important, and this would be a priority for the State over the next five years. In the government's view there was no need for specific juvenile courts, as according to statistics, only 2.5% of all crimes were committed by minors. Nevertheless, the principles of the juvenile legal system had been included in the domestic legislation and courts were able to hear from minors and specialist courses on juvenile justice were available to judges.

The collection and analysis of data for sensitive issues such as violence against children, violence in the families, and street children has been extremely important to the CRC, and the Committee wants to look at it in the next reporting circle. The government has acknowledged the lack of specific data on protection of children's rights and asked the CRC for support in establishing the criteria for disaggregated data which would be very important in determining the best interests of children.

Conclusions and priorities

Uzbekistan has made important progress by adopting several legislative acts on the rights of women and in action against gender-based violence, including the criminalisation of domestic violence in 2023, in improvements in economic, social, and cultural rights, as well as in the institutional framework around the rights of children and deinstitutionalisation efforts. Freedom of expression has generally improved under the new President even though there are concerns of backtracking. The previously widespread practice of torture appears to be significantly reduced and further action such as introducing an appropriate definition of torture in the Criminal Code, ratification of OPCAT, and visit of the UN Special Rapporteur on torture are prioritised by the authorities. Moreover, Uzbekistan has extended an open invitation to all UN special rapporteurs.

At the same time, there are worrying trends, notably regarding civil society space, and challenges remain. Decisive steps have to be taken to ensure Uzbekistan's compliance with GSP+ requirements. The legislative reviews of the NGO Code and the Criminal Code need to fully respect Uzbekistan's international obligations. Appropriate amendments in the NGO Code should address key concerns linked to limitations of civil society space and freedom of expression and association. In particular, the current difficulties with registration reported by independent NGOs can be eased by simplifying the registration procedure with time-bound and well justified responses. Reducing the reporting requirements to those strictly necessary would allow smaller NGOs to function. Similarly, the revision of the Criminal Code should take the opportunity to review articles on insult of the President and defamation which are not in line with international norms. Next to that, there should be consideration to remove the provisions regarding the criminalisation of same-sex relations from the Criminal Code, as well as outdated provisions on punishment with forced and compulsory labour. Implementing action against domestic violence such as adequate shelter and support provision across the country and on the recently ratified CRPD are also needed.

⁽²⁴⁾ <https://www.ohchr.org/en/press-releases/2022/09/experts-committee-rights-child-commend-uzbekistan-its-will-promote-childrens>

5.2 ILO Labour Rights Conventions (Conventions 8-15)

A new Labour Code came into force in April 2023⁽²⁵⁾. It represents a major improvement in comparison to the outdated 1995 Code. It appears to address several gaps notably with regards to ILO Conventions No. 100 on Equal Remuneration, No. 111 on Discrimination (Employment and Occupation), and No. 98 on the Right to Organise and Collective Bargaining, and overall strengthens legal rights of workers and responsibilities of employers. However, important improvements remain to be made in allowing for the registration and establishment of independent trade unions that can operate according to the principle of freedom of association, in addressing more consistently direct and indirect discrimination based on gender, race and political opinion and in providing additional guarantees to persons with disabilities.

The State Labour Inspectorate was re-established in 2018, with the powers to conduct inspections on all matters of labour rights and standards and Uzbekistan ratified ILO Convention No. 81 on Labour Inspections in 2019. Nonetheless, its mandate does not cover the informal economy (around 27% of GDP⁽²⁶⁾) and the number of inspectors, while having increased, is still deemed relatively low, as outlined in the ILO Uzbekistan Decent Country Work programme 2021-2025.

5.2.1 Freedom of Association and Collective Bargaining (Conventions No. 87 and No. 98)

In 2020 and 2022 the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) requested⁽²⁷⁾ Uzbekistan's government to amend legislation to ensure that the public authorities were not allowed to interfere in the internal administration of trade unions and their structures. Additional information indicates that the current Law on Public Associations requires at least 3,000 members to constitute a new national-level trade union which severely limits their establishment⁽²⁸⁾. In 2022, the CEACR⁽²⁹⁾ recalled that the imposition of a trade union monopoly is inconsistent with the principle of free and voluntary collective bargaining and requested the government to take the necessary measures, including legislative measures, to guarantee the possibility of trade union pluralism. The CEACR in 2022 observed that the new Labour Code contains a revised provision relating to its 2018 request to amend the Labour Code to make clear that only in the absence of trade unions at the enterprise, branch, or territory, can the right to bargain collectively be granted to other representatives elected by workers, but CEACR is yet to fully assess this. Further, it is noted that Article 8 of the Law on Non-state Non-governmental organisations, and the related procedures for notification of planned events and activities and for coordination with the registering body for receipt of funds from foreign sources, provide for significant interference in the affairs of trade unions, which seriously restricts freedom of association and the right to organise.

CEACR also sought to clarify legislation regulating the right to strike, as there was no explicit provision on the right to strike in the Labour Code and it was not referred to in the Law on Trade Unions, while under the Criminal Code and the Administrative Code, most strikes were expressly prohibited and punishable. In 2022, CEACR requested the

⁽²⁵⁾ ILO CEACR is yet to examine the 2023 Labour Code.

⁽²⁶⁾ <https://worldeconomics.com/Informal-Economy/>

⁽²⁷⁾ <https://www.ilo.org/normlex-permalink/comment/en/4321374>

⁽²⁸⁾ It is a warning sign that the CEACR has in its report published in February 2023 listed Uzbekistan in relation to its implementation of ILO Convention No. 87 among its "List of the cases in which the Committee has requested a full reply to its comments outside of the reporting cycle." (CEACR report 2023, p. 70).

⁽²⁹⁾ <https://www.ilo.org/normlex-permalink/comment/en/4321426>

government to amend the legislation (in consultation with social partners) to ensure full recognition of the right to strike.

No cases are pending with the ILO's Committee on Freedom of Association (CFA). The Federation of Trade Unions of Uzbekistan (FPU) has raised issues with the ILO concerning the above-mentioned matters and observations alleging acts of anti-union interference and discrimination, including dismissals, in the agricultural sector, as well as issues of imprisonment of trade union activists, which were raised by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Association (IUF). Both are pending government reply.

5.2.2 Abolition of Forced Labour (Conventions No. 29 and No. 105)

Uzbekistan has taken measures to prevent trafficking in persons and protect victims of trafficking. The 2008 Law on Trafficking in Persons was revised in 2020 to improve access to the government's services and to enhance protection for victims of trafficking, including children, following the 2019 ratification of the 2014 Protocol to ILO Convention No. 29. The work to combat trafficking in persons in practice has continued. During the consideration of the 5th periodic report under the CRC in September 2022, the Uzbek authorities informed that 140 people had been imprisoned due to trafficking and 218 people had been identified as victims.

The Code of Administrative Offences and the Criminal Code punish certain offences such as defamation or violation of the procedure for organising and conducting assemblies, meetings, street processions or demonstrations with sanctions that involve compulsory labour, which may be used in practice as punishment for the expression of political or ideological views or participation in strikes. While no sanctions of compulsory labour were applied under these provisions of the Criminal Code in 2018-2019, the CEACR in 2020 ⁽³⁰⁾ requested the Government to continue to provide information on their application in practice, including copies of any court decisions defining or illustrating the scope of these sections, so as to enable the CEACR to ascertain whether they are applied in a manner compatible with ILO Convention No. 105.

Until some ten years ago, the government of Uzbekistan had imposed a state system of forced labour for cotton production, "massive, systematic, ubiquitous and truly nationwide" which involved students, military personnel and servicemen, doctors, teachers, employees of state enterprises, and other workers. This system has since been abolished and significant progress made towards the full abolition of child and forced labour in the cotton harvest. Since 2016, a series of ILO reports (supported by the EU) Third Party Monitoring and Assessment of Measures to Reduce the Risk of Child Labour and Forced Labour during the cotton harvests (TPM report) have indicated a steady decline in the use of child and forced labour in the cotton harvest and improving conditions. In March 2020, the production targets and quota system in the cotton sector were abolished by Presidential Decree. This paved the way for the complete eradication of forced labour practice. The 2021 TPM report concluded that Uzbek cotton was free from systemic child and forced labour ⁽³¹⁾. All remaining restrictions on international trade of Uzbek cotton were lifted during 2022. Starting 2022, Uzbekistan is responsible for establishing state monitoring of the cotton harvest. Preliminary results of the 2022 harvest campaign

⁽³⁰⁾ <https://www.ilo.org/normlex-permalink/comment/en/4054899>

⁽³¹⁾ Third-party monitoring of child labour and forced labour during the 2020 cotton harvest in Uzbekistan / International Labour Organization, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), Geneva: ILO, 2022.

emphasise that, despite acknowledged positive trends, risks remain in the cotton industry with regards to the respect of human rights.

Work and cooperation with ILO continue on the full eradication of forced labour, including in the construction sector⁽³²⁾. Uzbekistan further ratified the Safety and Health in Construction Convention No. 167 in 2022.

5.2.3 Minimum Age for Work and Worst Forms of Child Labour (Conventions No. 138 and No. 182)

There are no outstanding comments related to ILO Convention No. 138 on Minimum Age, following the CEACR conclusions of 2019. As regards ILO Convention No. 182 on the Worst Forms of Child Labour, in 2019 Uzbekistan's government informed the CEACR that it was implementing projects to fight against human trafficking, labour exploitation and illegal migration and to improve access to pre-school education in collaboration with the Organisation for Security and Co-operation in Europe (OSCE) and the World Bank. These Conventions are scheduled for reporting again in 2023.

CEACR requested the government to continue to ensure the elimination of forced labour and hazardous work of children under age 18 in cotton production, including through awareness raising and monitoring of child labour during the cotton harvest. A survey of child and forced labour in the silk sector was conducted together with the ILO in 2021. Uzbekistan has also been working with the ILO regarding the monitoring of working conditions including forced labour in the construction sector. The findings were presented to the Uzbek authorities in November 2022 and the report disseminated by the Ministry of Employment in the beginning of 2023.

While the minimum age complies with ILO Convention No. 138, according to the Uzbek government, there were further tripartite discussions on the meaning of "light work" for those aged 14 and 15 years old. The list of hazardous jobs for which employment of persons under the age of 18 is prohibited was last updated in 2009. While the National Commission on Trafficking Persons and Forced Labour was created by the President of Uzbekistan in 2019, there is currently no strategy and/or action plan to combat child labour.

5.2.4 Equal Remuneration and Elimination of Discrimination (Conventions No. 100 and No. 111)

In 2022, CEACR⁽³³⁾ noted with satisfaction that section 244 of the new Labour Code, which was adopted in March 2022 and will enter into force on 30 April 2023, explicitly refers to "ensuring equal pay for men and women for work of equal value". Nonetheless, CEACR in 2021⁽³⁴⁾ had pointed out that while Article 6 of the Labour Code prohibits direct discrimination based on a range of circumstances it does not refer explicitly to discrimination on grounds of political opinion, colour and national extraction, or indirect discrimination in line with the principles of Convention No. 111 on Discrimination (Employment and Occupation). The new Labour Code does not appear to fully address this gap, as issues remain with regards to including political opinion as a prohibited ground for discrimination, as well as with respect to the definition and prohibition of sexual harassment against both men and women.

The 2019 Law on Guarantees of Equal Rights and Opportunities for Women and Men provides for cooperation of public authorities with the private sector to promote gender

⁽³²⁾ https://mehnat.uz/uploads/news_content/files/2023/02/06/3IUU6tKWOH1.pdf

⁽³³⁾ <https://www.ilo.org/normlex-permalink/comment/en/4315158>

⁽³⁴⁾ <https://www.ilo.org/normlex-permalink/comment/en/4122390>

equality in the labour market, and states that gender-based discrimination including discrimination based on family responsibilities, is prohibited. Low enrolment of young women in higher education (6.5-10% over the past 20 years) worsens their situation on the labour market in Uzbekistan: despite significant improvements, women's unemployment rate is 7.7% in 2020, whereas for men it accounts for 4% ⁽³⁵⁾.

The Committee of Experts asked the government to increase its efforts to promote the employment of persons with disabilities, including through quotas. According to UN data ⁽³⁶⁾, 7.1% of persons with disabilities aged 16-59 were officially employed in Uzbekistan in 2019 and the employment rate of women and men with disabilities were 4.4 and 8.9% respectively. Improvements have been made in the legal framework for persons with disabilities, e.g. through adoption of amendments to the Labour Code in 2022 to provide additional guarantees to persons with disabilities including job creation, special training programmes, the employer's obligation to accept employment agency referrals. Moreover, employment quotas were adopted in the Law on the Rights of Persons with Disabilities which came into force on 16 January 2021.

Conclusions and priorities

Major efforts in adapting the national legislation to international standards are being made including through the 2022 amendment of the Labour Code. Gaps related to freedom of association, forced labour, and equality still remain, in particular regarding the explicit prohibition of discrimination on the basis of political opinion.

Discrepancies between the Law on Public Associations of 1991 (amended in May 2022) and the Law on Trade Unions of 2019 should be eliminated to ensure effective freedom of association, in particular to reduce to the strictest minimum the number of workers necessary to form a trade union and abolish unjustified requirements of oversight and control over trade unions. The revision of the Criminal Code is an opportunity to remove outdated forms of criminal penalty which include forced or compulsory labour, including for participation in peaceful strikes.

Monitoring and oversight activities also need to be improved. Overall, the scope of action of the State Labour Inspectorate should include all economic entities. The number of inspectors need to be significantly increased and limitations on the functions and powers of labour inspectors removed, in line with ILO Convention No. 81 on Labour Inspection. Ensuring continued, unhindered, and unannounced access of the Ombudsperson to all places of detention could contribute to effectively end the use of forced prison labour. A robust monitoring system with the full participation of civil society will also be important to avoid return of forced and child labour to the cotton harvest. The establishment of effective and sustainable national monitoring will need independent trade unions and NGOs, media, and journalists, including those monitoring the cotton harvest and textile production, as well as the ability to self-organise and operate freely.

A full analysis of the gender pay gap would improve clarity and transparency in relation to ILO Convention No. 100 related to equal remuneration for work of equal value. In addition, the adoption of a national strategy to effectively implement the abolition of child labour by 2025 (SDG8), including based on the information gathered through a

⁽³⁵⁾ <https://data.worldbank.org/indicator/SL.UEM.TOTL.FE.NE.ZS?locations=UZ>

⁽³⁶⁾ UN Uzbekistan (2019). Situation Analysis on Children and Adults with Disabilities in Uzbekistan <https://www.unicef.org/uzbekistan/en/reports/situation-analysis-children-and-adults-disabilities-uzbekistan>.

child labour survey covering all sectors, including the informal economy, would be a welcome development.

5.3 UN Conventions on Environmental Protection and Climate Change (Conventions 16-23)

5.3.1 *Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)*

In October 2021, Uzbekistan submitted its further revised legislation, in line with the CITES requirements, following exchanges with the CITES Secretariat and feedback on the legislation initially revised in 2018 ⁽³⁷⁾. This should contribute to obtaining Category 1 status. Currently, the Secretariat placed Uzbekistan's national legislation in Category 2, indicating it was believed to meet part but not all the four requirements for effective implementation of CITES.

Uzbekistan has submitted its 2021 annual report on implementation of CITES on 28 November 2022, but its annual illegal trade report for the year 2021 (due date 31 October 2022) has not yet been submitted. Uzbekistan's so far latest biennial implementation report on 2018-2019, submitted in 2020, includes a mention of significant seizures of CITES specimens. The 6th National Report on the Conservation of Biological Diversity states that it is "next to impossible to specify actual scope of illegal hunting" but also identifies poaching as one of the main reasons for the reduction in the number of rare species and threatened mammals. This is confirmed by reports from NGOs, for example identifying that uncontrolled illegal hunting on the critically endangered Saiga Antelope has led to a steep fall in Saiga numbers.

5.3.2 *Waste Conventions: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and Stockholm Convention on Persistent Organic Pollutants*

Following the approval of the Waste Management Strategy in April 2019 and the 2021 resolution "On measures to further improve the order of import into the Republic of Uzbekistan and export from its territory of environmentally hazardous products and waste", a significant number of new laws has been adopted, and the State Committee on Ecology and Environment Protection's (SCEEP) responsibilities for monitoring and reporting were strengthened. However, this focuses on control of municipal solid waste. While the President's administration has defined as one of its priorities to ensure ecologically safe use of toxic chemical and radioactive materials, to date no updated legislation has been adopted on these nor on other hazardous waste.

EU-Uzbekistan Development Cooperation on Waste Management

Currently the EU and Uzbekistan's authorities are preparing a programme on Sound Management of Hazardous Chemicals Technical Assistance. It will focus on enhancing the effectiveness of mechanisms and tools for the management of hazardous chemicals, wastes and reduction of use of dangerous pesticides in agriculture, including agriculture practices and awareness for reducing the use of pesticides. Results of these activities should lead to Uzbekistan becoming a State Party to the remaining waste conventions (Rotterdam, Minamata); improved institutional capacity for sound chemicals management; better data on hazardous wastes allowing development of a national waste management strategy; permitted hazardous waste treatment facilities; scale up of sustainable practices in the agricultural sector leading to reduced

⁽³⁷⁾ <https://cites.org/eng/parties/country-profiles/uz/compliance-status>

risks to farmers and consumers from the use of pesticides and to food production relying on less toxic pesticides; and increased institutional and public awareness of the risks from the uninformed use of hazardous chemicals.

In March 2022, the government of Uzbekistan submitted the report on transboundary movements of hazardous waste in reference to national emissions of 2019. The report illustrates the poor implementation status of the Basel Convention. It mentions that Uzbekistan has no restrictions on exports or on imports of hazardous waste for final disposal or recovery, nor for the transit of waste through the country. Hazardous waste is defined in the Law on Waste of 2002 (amended in 2019), and data is reported, but the classification is not in line with the requirements of the Basel Convention.

In June 2019, Uzbekistan ratified the Stockholm Convention on Persistent Organic Pollutants (POPs) and it entered into force in September 2019. The country submitted its first national report in October 2022. Under Articles 5 and 7 of the Convention, Uzbekistan adopted a National Action Plan, including implementation measures in November 2021 and submitted it to the POPs Secretariat in March 2022. The submission of updated national POPs inventories will be a welcome next step. Addressing POPs is becoming increasingly important for Uzbekistan, given that it is rich in mineral resources (such as lithium, cobalt, and graphite) and metals, for which there is a growing demand from the clean energy transition related sectors. As in many other parts of the world, the use of chemicals for mining such minerals and metals has caused serious environmental problems. Increased monitoring and control, as regulated under the Stockholm Convention, could help address and avoid further environmental risks.

5.3.3 Convention on Biological Diversity (CBD) and Cartagena Protocol on Biosafety

Significant developments have taken place in recent years in Uzbekistan in terms of biodiversity protection. In 2018, the country issued its sixth national report (6NR) under CBD and in June 2019 adopted its second National Biodiversity Strategy 2019-2028⁽³⁸⁾ and Action Plan (NBSAP); the previous one was from 1998.

In its 6NR Uzbekistan's authorities recognised that the fast economic growth in the country had been achieved by intensive use of natural resources. They have set the conservation of biodiversity as one of the priorities of the state environmental policy, while ensuring sustainable development. The report also recognised that developments had been slower than targeted, identifying the lack of scientific information about the state and significance of biodiversity, problems in systematic monitoring, and lack of capacity among the major barriers were to be addressed.

A national red list was developed by the SCEEP in 2019 and had been officially submitted to the International Union for Conservation of Nature (IUCN)⁽³⁹⁾, which Uzbekistan formally joined in 2021. Most biodiversity monitoring is conducted in Protected Natural Areas (PNAs), particularly those with legal status and dedicated personnel.

Uzbekistan ratified the Cartagena Protocol on Biosafety in October 2019. Given the relatively recent ratification, Uzbekistan has not yet issued a national report on the implementation of its safe handling, transport, and use of living modified organisms

⁽³⁸⁾ <https://leap.unep.org/countries/uz/national-legislation/strategy-biodiversity-conservation-republic-uzbekistan-period>

⁽³⁹⁾ One of the key requirements of the CBD is to report which species are at risk of extinction. The Red List of the International Union for Conservation of Nature is widely recognised as the most objective and authoritative listing of these threatened species.

(LMOs). It has also not yet submitted any information to the Biosafety Clearing House that facilitates the exchange of information.

5.3.4 *Conventions on Climate Change and Protection of the Ozone Layer* ⁽⁴⁰⁾

In recent years, Uzbekistan has made good progress in climate change reporting, although implementation challenges remain. The country's first Nationally Determined Contribution (NDC) under the Paris Agreement was submitted in November 2018 and updated in October 2021 ⁽⁴¹⁾. The updated version has considerably more substance and a more ambitious target, committing to reduce national Green House Gas (GHG) intensity in 2030 compared to 2010 levels by 35% instead of 10%. The country's 1st Biennial Update Report (BUR) published in 2021 again provides substantially more detail. Uzbekistan's latest national communication (NC3) dates from 21 February 2017, and the country has not yet submitted its fourth national communication, although the requirement is to report every four years. The First Biennial Update Report was only submitted on 5 July 2021, although the reporting deadline was in 2014.

According to the updated NDC, the energy sector was responsible for more than 75% of total national GHG emissions in 2017, followed by 18% from agricultural activities. Consequently, reduction of emissions from the energy sector is a strong focus of the country's mitigation efforts. The Strategy of October 2019 for the Transition of the Republic of Uzbekistan to a Green Economy 2019-2030 ⁽⁴²⁾ sets specific targets for 2030, including the first NDC GHG intensity reduction target (-10%), a twofold increase in the energy efficiency index, and an increase of renewable energy to a minimum of 25% of total electricity production.

In terms of climate change impacts and adaptation, the main risks for Uzbekistan are deficiency of water resources, growth in land desertification and degradation, increase in occurrence of droughts and other dangerous phenomena, leading to instability of agricultural production and threatening the country's food security. The Water Resource Management and Irrigation Development Strategy of Uzbekistan 2021-2023 of March 2021 is being implemented, aiming to triple the use of water-saving irrigation technologies.

Regarding ozone depleting substances (ODS), the SCEEP was assigned to implement the Montreal Protocol, including issuing import and export permits for ODSs and ODS-containing products, while the Customs Committee is designated to monitor relevant imports and exports. Resolution 17 plans all imports to be fully banned by 2030, which is fully in line with the agreements under the Montreal Protocol.

Conclusions and priorities

In recent years, Uzbekistan has made good progress in protecting biodiversity and fighting climate change. The focus should now be on the implementation of various commitments, such as the updated NDC and targets set in the Strategy for the Transition of the Republic of Uzbekistan to a Green Economy 2019-2030.

The implementation of the Montreal Protocol is well on track, and consumption of hydrochlorofluorocarbons (HFCs) has been strongly reduced, even though the Kigali

⁽⁴⁰⁾ United Nations Framework Convention on Climate Change, Kyoto Protocol to the United Nations Framework Convention on Climate Change, and Montreal Protocol on Substances that Deplete the Ozone Layer.

⁽⁴¹⁾ NDC Registry, <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx>

⁽⁴²⁾ <https://leap.unep.org/countries/uz/national-legislation/strategy-transition-republic-uzbekistan-green-economy-period-2019>

Amendment has not yet been ratified. The implementation of CITES and the Basel Convention is lagging behind. The Stockholm Convention was ratified in June 2019; improving data collection should support its implementation in the country.

5.4 UN Conventions on Good Governance (Conventions 24-27)

5.4.1 *International Drug Control Conventions* ⁽⁴³⁾

Uzbekistan is largely compliant with the three international drug control conventions. According to the monitoring body, the International Narcotics Control Board (INCB), in recent years Uzbekistan has complied with all the reporting requirements under these conventions. In March 2019, the INCB undertook its first (and so far, only) mission to Uzbekistan and observed that “Uzbekistan has gradually strengthened its efforts in drug control and the clearly stated commitment to effective implementation.”

EU–Uzbekistan Development Cooperation on Drug Policy

The EU–Central Asia Drug Action Program (CADAP) ensures the implementation of the EU–Central Asia Plan on Drugs. Within this framework Central Asian countries started to adopt EU methods and instruments in drug policy and substance abuse.

The overall objective of the new phase of CADAP7 (February 2021 to August 2024) is to contribute to the reduction of drug use and support Central Asian governments’ drug policies, and more specifically to improve access to quality drug demand reduction interventions. In cooperation with World Health Organization (WHO) and UN Office on Drugs and Crime (UNODC), CADAP supports the Central Asian states with technical assistance for the implementation of the International Standards of Treatment of Drug Use Disorders. The relevance of CADAP has also increased with the emerging use of new psychoactive substances. The programme provides the tools to tackle the problem, facilitating national and regional cooperation among all 5 Central Asia countries.

Reducing the supply of drugs has become more challenging as illicit drug markets have become more complex, particularly with the emergence of synthetic drugs. The non-medical use of pharmaceutical drugs has also increased rapidly. Accurate data relating to drug use is limited. It is suspected that the number of people affected by drug use is far higher than estimated and INCB has noted an increase of registered drug users in 2020 compared to 2019. The Law on the Prevention and Treatment of Drug Use Disorders was approved on 27 October 2020 and regulations on procedures for interaction among healthcare, law enforcement, and labour authorities in providing treatment services to drug users are under preparation. National drug strategies include activities aimed at drug use prevention, treatment, and HIV prevention amongst drug users.

5.4.2 *UN Convention against Corruption (UNCAC)*

Uzbekistan has been reviewed under one review cycle of UNCAC. The first review (2016) indicated good practices such as the establishment of an inter-agency working group, the establishment of acting as an intermediary in bribery as a separate offence in the Criminal Code, and the approach taken to mutual legal assistance. It also identified a list of areas for improvement including extensions to the definition of offences, full implementation of the UNCAC articles on bribery in the private sector, obstruction of justice, seizures, witness

⁽⁴³⁾ UN Single Convention on Narcotic Drugs (1961), UN Convention on Psychotropic Substances (1971), and UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

and whistle-blower protection, and bank secrecy. The second UNCAC implementation review was planned in 2020 but had to be postponed due to the COVID-19 pandemic.

Uzbekistan has, in general, a satisfactory legal framework on anti-corruption. Relevant provisions spread over the legislation have been complemented by the Law on Anti-corruption of June 2021, complemented by several presidential decrees. The Law establishes detailed measures on corruption prevention as well as detection and suppression of corruption offences, and the mandates for the various entities involved in the fight against corruption. The newly established (in June 2020) Anti-Corruption Agency of Uzbekistan (ACA) appears a credible agency, but it has no legislative affirmation and weak enforcement powers. Certain anti-corruption prevention work has been carried out through reforms in the Ministry of Justice, including centralised public service centres and online services. Amendments to the Constitution are being discussed and would also lead to changes in the legal regime for anti-corruption measures: it would vest the Parliament with the power to consider the annual national report on combating corruption, introduce a procedure for the selection of the head of the ACA, further enhance openness and transparency, and define civil society actors playing a role in the fight against corruption. Legislation tackling specifically corruption of high-ranking officials is still not in place.

Uzbekistan has made significant progress in civil service employment with respect to its transparency, accessibility, and funding. However, nepotism remains widespread and regulations relating to conflict of interests are rarely enforced. Efforts have been made to ensure competitive and open procedures in public procurement, and these reforms appear to be among the most effective in the country. Nevertheless, the authorities provide exceptions from the general procurement rules, which create corruption risks. Another point of concern is the safe return of assets gained through corruption. The management of stolen funds, once repatriated, must be subject to transparent oversight.

Since 2012 the Corruption Perception Index for Uzbekistan has been slowly but steadily improving and in 2022 reached the score 31/100 (it improved by 3 points in comparison to 2021) and the country was listed on 126th place in the group of 180 countries ⁽⁴⁴⁾.

Conclusions and priorities

Uzbekistan generally complies with its international obligations related to drug control; the government is encouraged to pursue balanced supply and demand measures and address drug-related harm. Further efforts in practice, including on the implementation of the 2020 Law on the Prevention and Treatment of Drug Use Disorders are welcome.

There are improvements in compliance with international standards related to anti-corruption. Significant challenges in effective implementation remain, notably with regards to high-level corruption. Efforts are needed in four main directions: legislation, prevention, prosecution, and awareness. The legal framework needs improvement to create a solid anticorruption and integrity system while preventive anticorruption institutions at national, regional, district, and local levels need to be empowered. In addition, strengthened investigation and prosecution capacities and anti-money laundering mechanisms of the law enforcement and criminal justice institutions would have a positive impact on fighting corruption, while public awareness and the promotion of zero-tolerance towards corruption should continue to be developed.

⁽⁴⁴⁾ A country's score is the perceived level of public sector corruption on a scale of 0-100, where 0 means highly corrupt and 100 means very clean. A country's rank is its position relative to the other countries in the index. Ranks can change merely if the number of countries included in the index changes. The rank is therefore not as important as the score in terms of indicating the level of corruption in that country. <https://www.transparency.org/en/cpi/2022/index/uzb>

6 ANNEX: UZBEKISTAN – TREATY RATIFICATION AND REPORTING

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
Human rights conventions		
1. Convention on the Prevention and Punishment of the Crime of Genocide	Acceded: 09.09.1999 No reservations	No reporting obligations
2. International Convention on the Elimination of All Forms of Racial Discrimination	Acceded: 28.09.1995 No reservations	Compliant with reporting obligations • Last report submitted on: 03.11.2022.
3. International Covenant on Civil and Political Rights	Acceded: 28.09.1995 No reservations	Compliant with reporting obligations • Last report submitted on: 10.01.2019. • Next report due in 2026.
4. International Covenant on Economic Social and Cultural Rights	Acceded: 28.09.1995 No reservations	Compliant with reporting obligations • Last report submitted on: 19.06.2019. • Next report due on: 31.03.2027.
5. Convention on the Elimination of All Forms of Discrimination Against Women	Acceded: 19.07.1995 No reservations	Compliant with reporting obligations • Last report submitted on: 29.11.2019. • Next report due in: February 2026.
6. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Acceded: 28.09.1995 No reservations	Compliant with reporting obligations • Last report submitted on: 16.01.2018. • Next report due on: 6.12.2023.
7. Convention on the Rights of the Child	Acceded: 29.06.1994 No reservations	Compliant with reporting obligations • Last report submitted on: 3.04.2019. • Next report due on: 28.07.2027.
Labour conventions ⁽⁴⁵⁾		
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratified: 13.07.1992 (2014 Protocol to the Convention ratified on 16.09.2019)	Compliant with reporting obligations • Latest CEACR comments in 2019. • Last report received in 2019. • Next report due in 2023.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratified: 12.12.2016	Compliant with reporting obligations • Latest CEACR comments in 2022. • Last report received in 2022. • Next report due in 2023 (out of cycle, following 2022 request).
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratified: 13.07.1992	Compliant with reporting obligations • Latest CEACR comments in 2022. • Last report received in 2022. • Next report due in 2025.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratified: 13.07.1992	Compliant with reporting obligations • Latest CEACR comments in 2022. • Last report received in 2021. • Next report due in 2024.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratified: 15.12.1997	Compliant with reporting obligations • Latest CEACR comments in 2020. • Last report received in 2020. • Next report due in 2023.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratified: 13.07.1992	Compliant with reporting obligations • Latest CEACR comments in 2022. • Last report received in 2021. • Next report due in 2024.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratified: 06.03.2009 Minimum age specified: 15 years	Compliant with reporting obligations • Latest CEACR comments in 2019. • Last report received in 2019. • Next report due in 2023.

⁽⁴⁵⁾ Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
15. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182	Ratified: 24.06.2008	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments in 2019. • Last report received in 2019. • Next report due in 2023.
Environmental conventions		
16. Convention on International Trade in Endangered Species of Wild Fauna and Flora	Acceded: 10.07.1997 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last (2021) Annual Report submitted on 28.11.2022. • ARs for 2016-2020 also submitted. • Next (2022) Annual Report due 31.10.2023. • Annual Illegal Trade report 2021 due 31.10.2022 has not yet been submitted. Prior reports for 2016-2020 have been submitted ⁽⁴⁶⁾. • Biennial or Implementation Reports lagging behind. Last (2018-19) IR submitted on 06.11.2020. Prior IRs for 2013-2014, 2010-2011 and 2009-2010 submitted. IR on 2018-2020 was due 05.03.2021 ⁽⁴⁷⁾.
17. Montreal Protocol on Substances that Deplete the Ozone Layer	Acceded: 18.05.1993 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Annual data for 2021 and prior years has been submitted. • An ODS licensing system has been established but an HFC licensing system is not in place.
18. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Acceded: 07.02.1996 No reservations	Compliant with reporting obligation <ul style="list-style-type: none"> • Latest (2021) National Report (NR) submitted on 25.04.2023. • Previous NRs for 2013-2020 submitted with delays. • Next NR (2022) due 31.12.2023.
19. Convention on Biological Diversity	Acceded: 19.07.1995 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest National Report (6NR) submitted in 2018. • Revised National Biodiversity Strategy and Action Plan (NBSAP2) submitted on 11.06.2019.
20. The United Nations Framework Convention on Climate Change	Acceded: 20.06.1993 No reservations	Partially compliant with reporting obligations <ul style="list-style-type: none"> • First NDC submitted 09.11.2018. • Updated NDC submitted 30.10.2021. • Latest NC (NC3) submitted 21.02.2017 (NC1 in 1999, NC2 in 2008). NC4 not submitted on time (NCs due every 4 years). • Biennial Update Report (BUR) submitted 05.07.2021 (earlier BURs not submitted). • National Inventory Reports submitted on same dates as NC2 and NC3.
21. Cartagena Protocol on Biosafety	Acceded: 25.10.2019 No reservations	No reporting obligation due yet <ul style="list-style-type: none"> • Date of becoming a Party was 23.01.2020. Latest reporting deadline for Parties was 01.10.2019. • Next national report due in 2023.

⁽⁴⁶⁾ Reporting mandatory, but not subject to compliance procedure.

⁽⁴⁷⁾ Idem.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
22. Stockholm Convention on Persistent Organic Pollutants	Acceded: 28.06.2019 No reservations	Partially compliant with reporting obligation <ul style="list-style-type: none"> • First National Report submitted in October 2022. • National Action plan, including implementation measures submitted in October 2021. • Updates to address COP4 and COP5 amendments submitted 15.03.2022. • Other updates addressing COPs 6-8 due 26.09.2021 not submitted. • Update to address COP9 not yet due.
23. Kyoto Protocol to the United Nations Framework Convention on Climate Change	Ratified: 12.10.1999 No reservations	No reporting obligations
Good governance conventions		
24. United Nations Single Convention on Narcotic Drugs	Acceded: 24.08.1995 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • All reports and statistics (incl. voluntary ones) provided since 2019.
25. United Nations Convention on Psychotropic Substances	Acceded: 12.07.1995 No reservations	Review by INCB
26. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Acceded: 24.08.1995 No reservations	<ul style="list-style-type: none"> • INCB mission took place in March 2019. • No indication of non-compliance in INCB reports.
27. United Nations Convention against Corruption	Acceded: 29.07.2008 Reservation to Article 66 of the Convention	No reporting obligations <ul style="list-style-type: none"> • Notifications made. Review by UNODC & peer review <ul style="list-style-type: none"> • Latest executive summary published in 2016 (not full report). • 2nd cycle review ongoing (status unclear).