

UN HUMAN RIGHTS COUNCIL



ALTERNATIVE REPORT

**of the Authorized Person of the Oliy Majlis
of the Republic of Uzbekistan for Human Rights (Ombudsman)
to the Fourth National Report of the Republic of Uzbekistan
in the framework of the Universal Periodic Review**

TASHKENT - 2023

LIST OF ABBREVIATIONS

RUz - Republic of Uzbekistan

DP – Decree of the President

RP - Resolution of the President

LRU- Law of the Republic of Uzbekistan

RCM - Resolution of the Cabinet of Ministers of the Republic of Uzbekistan

LRU – Law of the Republic of Uzbekistan

Ombudsman - Authorized Person of the Oliy Majlis of the Republic of
Uzbekistan for

Human Rights (Ombudsman)

CC - Criminal Code

I Introduction

1. This Alternative Report of the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman) includes information on ongoing reforms in the field of human rights, labor migrants, combating domestic violence, as well as the activities and role of the Ombudsman in the implementation of recommendations following the consideration of the Third National Report of the Republic of Uzbekistan under the Universal Periodic Review 2020-2022.

2. In preparing the Alternative Report, official data from the Agency of Statistics under the President of the Republic of Uzbekistan, statistical data, observations of representatives of civil society, in particular the Center for the Study of Legal Problems and the Institute for Democracy and Human Rights, were used.

3. In 2022, the Ombudsman submitted alternative reports to the relevant UN committees on the implementation of the obligations of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Racial Discrimination.

The Alternative Reports disclosed the measures taken within the framework of the Action Strategy to ensure the protection of human rights and freedoms, the role of the Ombudsman in these areas.

4. On November 6, 2021, at the inauguration ceremony, the President of Uzbekistan Shavkat Mirziyoyev noted the important concept document of the New Uzbekistan Development Strategy. For the purposes of consistency and continuity of transformations, the idea “From Action Strategy to Development Strategy” was put forward as the main one, in which rights, freedoms and legitimate interests are defined as the highest value of every citizen of the country.

5. The President of the Republic of Uzbekistan annually adopts a number of decrees, including “On pardoning a group of persons serving a sentence who sincerely repented of their deeds and firmly embarked on the path of correction.”

The Pardon Commission under the President of the Republic of Uzbekistan was reorganized in 2018 and the Ombudsman, being a member of this Commission, is constantly involved in its activities. Over the past six years, more than 20 decrees of the President of the Republic of Uzbekistan have been signed, according to which more than 5.5 thousand convicts have been pardoned.

6. As a result of a consistent policy in 2019-2020, the government of Uzbekistan became one of the first states to carry out large-scale repatriation of its citizens, including from zones of armed conflicts. For the purpose of repatriation, specific political, financial and logistical measures were taken to promptly and positively solve the problems of citizens of Uzbekistan who are abroad, who find themselves outside the country in a difficult situation, provide them with legal assistance and return to their homeland.

7. As part of the Mehr-1 and Mehr-2 humanitarian operations, 220 women and children were returned from Iraq to Uzbekistan; in 2020, 98 women and children were delivered from Syria under the Mehr-3 program; "Mehr-4" and "Mehr-5" from Afghanistan and hot spots in the Middle East returned 93 people. Overall, Uzbekistan has repatriated more than 500 children and women.

These people, who deceptively, left the country, who survived a difficult life period, were provided with medical, psychological, material and moral assistance by the government. The necessary conditions have been created for them to return to a normal peaceful life and integration into society, access to educational and other social programs, and they are also provided with proper housing and employment.

8. The announcement by the President of the country in the Messages to the Oliy Majlis of 2021 - "The Year of Supporting Youth and Improving the Health of the Population", 2022 - "The Year of Ensuring Human Interests", 2023 - "The Year of Care for the Person and Quality Education" once again testifies to his great attention to human rights.

International human rights obligations

(recommendations 101.3-101.4, 101.19-101.22, 101.24-101.26).

1. The Ombudsman pays special attention to raising the legal awareness of the population as one of the main areas of its activity. The reason is that the analysis of appeals sent to the Ombudsman showed that the level of awareness about reforms in the field of ensuring human rights and freedoms in recent years is low. Therefore, since 2022, the Ombudsman School project has been implemented, aimed at raising citizens' awareness of the opportunities and privileges created for citizens in remote areas of the republic. In 2022, within the framework of the "School of the Ombudsman", 25 events were held in general in all regions of the country with the involvement of 128 mahallas, where more than 4.5 thousand citizens took part.

As part of these events, Ombudsman's visiting receptions, a job fair for unemployed citizens, medical examination of the population with the participation of a narrow circle of specialists, an exhibition aimed at raising

citizens' awareness of the reforms and opportunities implemented in the country were organized.

2. Uzbekistan, in line with ongoing large-scale reforms, is also taking comprehensive measures to protect the rights of migrants, refugees and stateless persons. Special attention is paid to the issues of streamlining the processes of external labor migration, ensuring the protection of the rights and interests of citizens traveling abroad for temporary work, providing them with the necessary legal, social, informational and advisory assistance and material support.

3. In 2020, a new edition of the Law “On Citizenship of the Republic of Uzbekistan” was adopted, in accordance with which the institution of recognition of citizenship was introduced in the country. More than 72 thousand people received citizenship of Uzbekistan over the past two years¹.

4. In order to improve the system of external labor migration, cardinaly expand its organized forms, ensure the protection of labor and social rights of citizens who travel outside the republic to work, expand the involvement of labor migrants who have returned from abroad in business and labor activities, as well as the consistent implementation tasks identified by the Action Strategy in five priority areas of development of the Republic of Uzbekistan in 2017-2021², in 2018 the Agency for External Labor Migration was established under the Ministry of Employment and Labor Relations of the Republic of Uzbekistan³.

Currently, 19 representative offices of the Agency have been established abroad (16 in the Russian Federation and 1 representative office in Turkey, Korea and Kazakhstan), the main task of which is to assist citizens of the Republic of Uzbekistan in exercising their rights to work abroad through effective management and control over processes of organized recruitment, training, adaptation activities and employment abroad.

Since its establishment, the Agency and its foreign representative offices have restored the rights to work of 25,163 citizens of Uzbekistan who are abroad on citizens' appeals.

5. According to official data, since 2018, the number of migrant workers from Uzbekistan abroad has averaged 2.4 million people (2018 - 3.3 million, 2019

¹ <https://asiaplustj.info/ru/news/centralasia/20220803/s-2020-goda-grazhdanstvo-uzbekistana-poluchili-svishe-72-tisyach-chelovek>

² Decree of the President of the Republic of Uzbekistan № DP-3839 dated 05.07.2018 г. <https://lex.uz/docs/3811333>

³ Currently, the Ministry of Employment and Poverty Reduction of the Republic of Uzbekistan has established close partnerships with the Ministry of Labor of the Russian Federation, South Korea, Japan, Turkey, the United Arab Emirates, the USA, Azerbaijan, Kazakhstan, Tajikistan, and signed 28 cooperation agreements and memorandums of understanding regulating international cooperation of the Ministry of Employment and Labor Relations with foreign partners. <https://mehnat.uz/ru/pages/mezhdunarodnoe-sotrudnichestvo>

- 2.4 million, 2020 - 1.9 million), 2021 - 1.5 million, 2022 - 2.4 million and the first quarter of 2023 - 2 million). At the same time, there is also an increase in foreign migrant workers in Uzbekistan, currently the number of which is 14.471 foreign citizens.

In 2021-2022, the Ombudsman, in order to study the rights of labor migrants and the level of their security during their stay on business trips in foreign countries, organized visiting receptions for compatriots living there.

6. In particular, during his visit to the Russian Federation, Turkey (twice) and Poland, the Ombudsman held conversations with more than 180 citizens of Uzbekistan, during which they were given legal explanations.

7. The Ombudsman has established close cooperation with foreign colleagues, including joint consideration of citizens' appeals. In particular, in 2022, the Ombudsman received 26 appeals from the Commissioners for Human Rights of other countries (Armenia, Kazakhstan, Kyrgyzstan, the Russian Federation), mainly on the issue of assistance in sending archival documents for the restoration of seniority, establishing citizenship, obtaining an act record about birth, etc. (18 appeals were resolved positively).

8. As a result of a joint consideration of the appeal with the Akyikatchy (Ombudsman) of the Kyrgyz Republic in the interests of a resident of the Jizzakh region B.R., found guilty under Articles 378, 379 of the Criminal Code of the Kyrgyz Republic, the prison sentence was replaced with a fine and he was released from the courtroom on the principles of humanity. In addition, Akyikatchy (Ombudsman) of the Kyrgyz Republic provided practical assistance to citizen B.R. in the preparation of documents for traveling abroad.

II Recommendations

1. Accelerate the adoption of the Law of the Republic of Uzbekistan "On external labor migration".

***For reference:** By Resolution of the Senate of the Oliy Majlis of the Republic of Uzbekistan No. RS-617-IV dated 13.09.2022, the Law of the Republic of Uzbekistan "On External labor Migration" adopted by the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan on February 22, 2022 was rejected.*

2. The Government should study the issue of accession to the International Convention «On the Protection of the Rights of All Migrant Workers and Members of Their Families».

3. To develop a draft Roadmap for taking urgent measures to develop multilateral cooperation with foreign parties in the field of labor migration.

4. National human rights institutions, together with the Ministry of Foreign Affairs, should consider holding annual events dedicated to migration issues in foreign countries.