

## Overview of Key New Developments in Uzbek Legislation in 2016

### Abstract

*The Republic of Uzbekistan continues to update its legislation in response to the country's development. 2016 proved to a productive legislative year for Uzbekistan that brought changes to various laws and regulations. This article provides a snapshot of new legislative developments in Uzbekistan in 2016 with a particular focus upon new or revised versions of laws (or codes) adopted this year. Key changes discussed in the article include adoption of a long-awaited law concerning activities of law enforcement agencies, law regarding the ratification of the ILO Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organise, law that reflects new approaches towards the state youth policy and enactment of a number of other legal acts.*

This year brought many changes to Uzbekistan, including revisions to national legislation. The legislation was enriched by new laws and regulations related to various spheres, ranging from youth policies to labour protection. In this article we look at the major legislative novelties introduced in 2016 in Uzbekistan. Texts of the laws highlighted in the article can be accessed via [lex.uz](http://lex.uz) - a national database on legislation of Uzbekistan<sup>2</sup>.

The new laws passed during 2016 include the “Law on Parliamentary Control”, the “Law on State Youth Policy”, the “Law on Law Enforcement Agencies” and the “Law on Ratification of the International Labour Organization Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organise”. Other laws were revised, including the “Law on Labour Protection”, the Customs Code, the “Law on the Protection and Use of Flora” and the “Law on the Protection and Use of Fauna”.

### “Law on Parliamentary Control”<sup>3</sup>

A step forward in promoting and strengthening the role of the legislature was taken with the enactment of the “Law on Parliamentary Control”, which came into effect in April of this year. While provisions defining the monitoring functions of Oliy Majlis (Parliament of Uzbekistan) are already incorporated into the Constitution of the Republic of Uzbekistan, the new law provides more specific and detailed articles on subjects, forms and results of the parliamentary control. According to the law, parliamentary control can take various forms that include, among others, adoption of the state budget, review of the Cabinet of Ministries’ annual report on socio-economic issues of the country and initiation of parliamentary investigations. Article 25 of the law also puts an emphasis on the requirement for open and public review of the impact of parliamentary control. It emphasizes that representatives of state authorities, non-governmental organizations and the mass media, as well as academic institutions, may be invited to parliamentary sessions on the impact of parliamentary control. In recent years, measures such

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<sup>2</sup> [Lex.uz](http://lex.uz) (texts of legal acts are provided in Uzbek and Russian)

<sup>3</sup> Law of the Republic of Uzbekistan on Parliamentary Control 2016 («Парламент назорати тўғрисида» 2016 йил 11 апрелдаги ЎРҚ-403-сон Қонуни, *Ўзбекистон Республикаси қонун ҳужжатлари тўплами*, 2016 й., 15-сон, 141-модда)

as adoption of various amendments to the Constitution have been already undertaken by the government of Uzbekistan in order to enhance the role of Parliament.<sup>4</sup> The “Law on Parliamentary Control” is expected to reinforce the previous reforms and increase transparency and accountability of the government.

#### **“Law on State Youth Policy”<sup>5</sup>**

The new “Law on State Youth Policy” is notable for its clear definitions of core terms including “youth”, “state youth policy” and “youth entrepreneurship”. The introduction of precise definitions in laws is crucial to prevent loose interpretations. Previously, the term “youth” primarily covered citizens not older than 30. The definition outlined in the new law stipulates lower and upper age limits, referring to citizens aged between 14 and 30 (inclusive). The law also specifies a list of guarantees for youth social protection, which, inter alia, refers to free health care and free secondary education, specialized secondary education and vocational education. Moreover, the new law aims to foster entrepreneurial activities among young citizens, providing them with the support of state bodies and the right to receive preferential loans for entrepreneurship.

#### **“Law on Law Enforcement Agencies”<sup>6</sup>**

A serious gap in the legislation of Uzbekistan was bridged with the adoption of the “Law on Law Enforcement Agencies”, which will enter into force next year. The law had been debated for many years, and was finally published this year. For over 20 years, law enforcement agencies in Uzbekistan were governed by provisional regulations that proved insufficient to set clear legal limits to their authorities. The lack of a full-fledged law led to distorted relationships between the agencies and public. The newly enacted law is designed to enhance the performance and accountability of law enforcement agencies by clarifying priorities and principles of the activities of law enforcement agencies. It is important to mention that the law not only stipulates responsibilities of the agencies, but also guarantees social welfare and protection of law enforcement personnel.

#### **“Law on the ratification of the International Labour Organization Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organise”<sup>7</sup>**

Uzbekistan’s labour legislation also underwent a number of changes. In October the country ratified International Labour Organization (ILO) Convention No. 87 enacting the “Law

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<sup>4</sup> Naberbaev, Behzod. Parliamentary control as the most important condition for the democratization of state power (Б.Набербаев. Парламентский контроль — важнейшее условие демократизации государственной власти, газета «Народное слово», 2 апреля 2014г.)

<sup>5</sup> Law of the Republic of Uzbekistan on State Youth Policy 2016 («Ёшларга оид давлат сиёсати тўғрисида» Ўзбекистон Республикасининг 2016 йил 14 сентябрдаги ЎРҚ–406-сон Қонуни, *Ўзбекистон Республикаси қонун ҳужжатлари тўплами*, 2016 й., 37-сон, 426-модда)

<sup>6</sup> Law of the Republic of Uzbekistan on Law Enforcement Agencies 2016 («Ички ишлар органлари тўғрисида» Ўзбекистон Республикасининг 2016 йил 16 сентябрдаги ЎРҚ-407-сон Қонуни, *«Халқ сўзи» газетасининг 2016 йил 17 сентябрдаги 184 (6619)-сон*)

<sup>7</sup> Law of the Republic of Uzbekistan on the ratification of the International Labour Organization Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organise 2016 («Халқаро меҳнат ташкилотларининг бирлашмалар эркинлиги ва касаба уюшмаларига бирлашиш ҳуқуқини ҳимоя қилиш тўғрисидаги 87-сонли Конвенциясини (Сан-Франциско, 1948 йил 9 июль) ратификация қилиш ҳақида» 2016 йил 25 октябрь ЎРҚ-412-сон Қонуни, *Ўзбекистон Республикаси қонун ҳужжатлари тўплами*, 2016 й., 43-сон, 496-модда)

on ratification of the International Labour Organization Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organise”. The Convention, inter alia, stipulates the rights of workers to establish and join organizations and prohibits restriction of these rights by public authorities. Ratification of the Convention by Uzbekistan is a positive step towards improving labour conditions in the country. At the present time, the total number of ILO Conventions ratified by Uzbekistan stands at 14, including 7 fundamental conventions. It is worthwhile to mention that this year Uzbekistan organized a conference dedicated to the future of the national labour environment, which was attended by representatives of ministries, agencies and trade unions, as well as members of the diplomatic corps.<sup>8</sup>

### **“Law on Labour Protection”<sup>9</sup>**

In recent years, there has been a noticeable trend in Uzbekistan of adopting revised versions of existing laws, a natural consequence of the country’s development. The latest ones include, among others, revised versions of the “Law on Securities Market”, the “Law on Joint-Stock Companies and Protection of Shareholders' Rights" and the “Law on Electronic Commerce”.

In 2016, along with the ratification of the ILO Convention No.87, the Republic of Uzbekistan revised the “Law on Labour Protection”, enacting an updated version. It contains a number of significant improvements and modifications to the previous version of the law. For example, the new version of the law highlights a number of essential labour-related definitions, provides clarity regarding the labour protection functions of state bodies (particularly local authorities, the Ministry of Health and the Ministry of Labour) and stipulates conditions for wider involvement of stakeholders, namely trade unions, NGOs and other civil society institutions in assuring compliant working conditions.

### **Customs Code<sup>10</sup>**

Oliy Majlis (Parliament of Uzbekistan) also revised customs legislation. In April, a new version of the Customs Code of the Republic of Uzbekistan came into force, including more than twice as many articles as its predecessor. Most significant, however, is the essence rather than quantity of the articles. Separate chapters on customs statistics, measures for monitoring foreign trade transactions, currency control and protection of intellectual property rights in customs procedures have now been added into the Code.

In 2015, the government of Uzbekistan implemented the one-stop-shop, or single window, system in public service delivery for business entities. The single window principle now has been introduced for customs procedures, a stipulation of the revised version of the Customs Code. Other notable features of the Code include fewer documents required for customs clearance and an electronic document management system, as well as new forms of customs control. In general, all the reforms reflected in the revised version of the Customs Code aim to improve customs

<sup>8</sup> Urmanbekova, Mukhabbat. Dialogue on labour today and in the future (М.Урманбекова. Диалог о труде сегодня и в будущем, газета «Народное слово», 8 октября 2016г.)

<sup>9</sup> Law of the Republic of Uzbekistan on revisions and amendments to the Law on Labour Protection 2016 («Мехнатни муҳофаза қилиш тўғрисида» ги Ўзбекистон Республикаси қонунига ўзгартиш ва қўшимчалар киритиш ҳақида 2016 йил 22 сентябрдаги ЎРҚ-410-сон Қонуни, «Халқ сўзи» газетасининг 2016 йил 23 сентябрдаги 188 (6623)-сон)

<sup>10</sup> Law of the Republic of Uzbekistan on the adoption of the revised Customs Code 2016 («Ўзбекистон Республикасининг божхона кодексини тасдиқлаш тўғрисида» Ўзбекистон Республикасининг 2016 йил 20 январдаги ЎРҚ-400-сон Қонуни, Халқ сўзи» газетасининг 2016 йил 21 январдаги 14 (6449)-сон)

regulation in Uzbekistan and to facilitate customs procedures and the exchange of commodities as a whole.

**“Law on the Protection and Use of Flora”<sup>11</sup> and “Law on the Protection and Use of Fauna”<sup>12</sup>**

The last year brought a number of stringent requirements for environmental control, particularly regulations on environmental audits. Notably legal acts adopted concern the Red Book of Uzbekistan and the establishment of a training center for environmentalists. Moreover, changes have been enacted to two laws related to environment, namely the “Law on the Protection and Use of Flora” and the “Law on the Protection and Use of Fauna”. The revised law concerning flora gives scientists access to rare species of flora in state reserves for scientific purposes. The law also authorizes the Ministry of Agriculture and Water Resources, along with the State Committee for the Protection of Nature of the Republic of Uzbekistan, to monitor the protection and use of flora in the country. Regarding new developments in fauna protection, the new version of the relevant law stipulates that not only the rights of users of water, land and forests but also the rights of consumers of water may be restricted for the benefit of the fauna. The revised “Law on the Protection and Use of Fauna” also introduces a number of changes to measures for the protection of fauna protection and clarifies the scope of right of ownership of wildlife.

A number of other significant legal modifications not addressed in this article were also added this year to the domestic legislation of Uzbekistan. Other developments include but are not limited to changes to laws and regulations related to trade unions, sales of alcohol and tobacco products, visa requirements and civil service ethics, which could form the basis for a separate paper. Furthermore, drafts of several laws and regulations are currently being circulated. In particular, legal acts concerning auditing firms, utilization of electronic documents in economic court proceedings, currency and tax policies, regulations on pension provision and development of employment programs are currently under consideration.

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<sup>11</sup> Law of the Republic of Uzbekistan on revisions and amendments to the Law the Protection and Use of Flora 2016 («Ўсимлик дунёсини муҳофаза қилиш ва ундан фойдаланиш тўғрисида»ги Ўзбекистон Республикаси қонунига ўзгартиш ва қўшимчалар киритиш ҳақида» 2016 йил 21 сентябрдаги ЎРҚ-409-сон Қонуни, «Халқ сўзи» газетасининг 2016 йил 22 сентябрдаги 187 (6622)-сони)

<sup>12</sup> Law of the Republic of Uzbekistan on revisions and amendments to the Law the Protection and Use of Fauna 2016 («Ҳайвонот дунёсини муҳофаза қилиш ва ундан фойдаланиш тўғрисида»ги Ўзбекистон Республикаси қонунига ўзгартиш ва қўшимчалар киритиш ҳақида» 2016 йил 19 сентябрдаги ЎРҚ-408-сон Қонуни, «Халқ сўзи» газетасининг 2016 йил 20 сентябрдаги 185 (6620)-сони)