
ISTANBUL ANTI-CORRUPTION ACTION PLAN

THIRD ROUND OF MONITORING

Uzbekistan

PROGRESS UPDATES

The joint first and second round monitoring report on Uzbekistan with recommendations was adopted at the Istanbul Anti-corruption Action Plan monitoring meeting in February 2012. This document contains progress updates on the implementation of the recommendations by Uzbekistan and the assessment of progress made. The progress updates made at the following ACN Istanbul Action Plan plenary meetings are included: **16-18 April 2014, 8-10 October 2014 and 23-24 March 2015.**

Summary

13th ACN Istanbul Action Plan Meeting on 16-18 April 2015: the joint first and second rounds monitoring report on Uzbekistan was adopted by the Istanbul Action Plan monitoring meeting in February 2012. Progress report on implementation of recommendations was submitted by Mr. Evgeniy Kolenko, Deputy Director of the Department for the Fight against Economic Crime and Corruption at the General Prosecutor's Office of Uzbekistan and Uzbekistan's National Coordinator at the ACN. The report was reviewed by: Mr Goran Klemencic, Slovenia; Mrs. Olga Zudova, UNODC; Ms Inese Gaika, OECD; and Ms. Anna Margaryan, Armenia. The progress update was discussed and adopted by the Istanbul Action Plan monitoring meeting on 16-18 April 2014.

The monitoring meeting congratulated Uzbekistan on progress recorded in the implementation of 4 out of 6 recommendations covered in this progress update and noted that no progress was recorded regarding 2 recommendations. The table below summarises the assessment, including the recommendations where progress was noted or where it was lacking.

14th ACN Istanbul Action Plan Meeting on 8-10 October 2014: assessment of progress of Uzbekistan was has not been carried out.

15th ACN Istanbul Action Plan Meeting on 23-24 March 2015: The progress report was submitted by Mr. Evgeniy Kolenko, Deputy Director of the Department for the Fight against Economic Crime and Corruption at the General Prosecutor's Office of Uzbekistan and Uzbekistan's National Coordinator at the ACN. The report was reviewed by: Ms. Milica Bozanic, Serbia; Ms. Olga Zudova, UNODC; Ms. Sintija Helviga, Latvia and Mrs. Rusudan Mikhelidze, OECD ACN Secretariat.

Out of 21 Recommendations of the first and second joint monitoring rounds, the plenary noted progress in relation to 12 recommendations, whereas the lack of progress was recorded in relation to 9 recommendations. Plenary also noted that the present progress update is the final one before the full monitoring procedure scheduled for October, 2015.

***Please note that this document contains the progress update of 15th plenary meeting of ACN Istanbul Action Plan. Full version of the report can be consulted in Russian on the ACN website.**

Recommendation	Assessment of Progress	
	16-18 April 2014	23-24 March 2015
Recommendation 1.2: Anticorruption Policy and Documents	-	Lack of Progress
Recommendation 1.3: Anticorruption Surveys	Progress	Progress
Recommendation 1.4.-1.5: Anti-corruption Training and Awareness	-	Progress
Recommendation 1.6: Specialized Institutions	-	Lack of Progress
Recommendation 1.7: Participation in International Conventions on Fight against Corruption	-	Progress
Recommendation 2.1-2.2: Elements of the Offences	-	Lack of Progress
Recommendation 2.3: definition of the official	-	Lack of Progress
Recommendation 2.5.1: Confiscation	-	Lack of Progress
Recommendation 2.5.2: Recovery of Property	-	Lack of Progress
Recommendation 2.6: Immunities and Statute of Limitations	-	Lack of Progress
Recommendation 2.7: International Cooperation and Mutual Legal Assistance	Progress	Lack of Progress

Recommendation 2.8: Investigation and Prosecution of Corruption Offences	-	Progress
Recommendation 2.9: Specialized Law Enforcement Bodies	Progress	Progress
Recommendation 3.2: Integrity in Public Service	Lack of Progress	Lack of Progress
Recommendation 3.3: Administrative Procedures, Simplification of Procedures, Anti-corruption Screening of Laws	-	Progress
Recommendation 3.4: Audit and Financial Control	-	Progress
Recommendation 3.5: Public Procurement	-	Progress
Recommendation 3.6: Access to Information	-	Progress
Recommendation 3.7: Political Corruption	Progress	Progress
Recommendation 3.8: Integrity in Judiciary	-	Progress
Recommendation 3.9: Integrity in Private Sector	Progress	Progress

PILLAR 1. ANTI-CORRUPTION POLICY

1. Recommendation 1.1-1.2 Anti-Corruption Policy and Documents

Adopt a comprehensive National Plan on Countering Corruption, agreed by all key national players, including ensuring wide consultation with non-governmental organisations and academia, and widely disseminate it. Ensure that the National Plan on Countering Corruption includes clear priorities, concrete and effective measures and a mechanism for implementation, including clear division of tasks, precise guidelines and time frame; designate a body in charge of coordinating the implementation and include in the plan provision of regular public reports about its implementation.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures reported by the Government

As was earlier indicated in the previous reports, Uzbekistan is working persistently, implementing the “Concept for Further Intensification of Democratic Reforms and Development of Civil Society” as presented by President Islam Karimov in December 2010.

This Concept is the key strategic document, setting the direction of current reforms in the country and prescribing implementation of a range of anti-corruption measures.

A range of anti-corruption actions were implemented within the framework of the Concept, which were described exhaustively in the information provided earlier.

Assessment of Progress - 15th Plenary

Uzbekistan refers to the Concept on Deepening of the Democratic Reforms dating back to 2010, the same information was provided at the 14th Plenary in October, 2014. While the document referred to by Uzbekistan might well be the basis for anti-corruption work, it is evident that Uzbekistan has not made efforts to develop anti-corruption policy documents after the monitoring as it was recommended under the recommendation 1.2. Uzbekistan in addition reports about the existence of the sectorial action plans to fight corruption in different government agencies. However, no comprehensive National Plan on Countering Corruption has been developed since the previous round. Thus, there is ***lack of progress*** in implementation of this recommendation.

2. Recommendation 1.3 Corruption Surveys

Encourage further research into corruption by government, non-governmental and independent institutions. Ensure regular, specific and evidence-based studies and surveys of public opinion on the extent and patterns of corruption, experience with corruption and attitude towards government anti-corruption efforts. Use statistical data on corruption crimes to ensure that anti-corruption surveys are reliable and evidence-based. Ensure that results of research studies are used in development of anti-corruption policy and identification of corruption risk areas. Ensure wide dissemination and publication of the results of surveys.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

Uzbekistan continues to actively pursue corruption research. The Centre for Public Opinion Surveys “Izhtimoy Fikr” (“Public Opinion”) regularly conducts specialized sociological studies of corruption perception by population, which include analysis of public opinion about the scale and nature of corruption in the country, the experience of dealing with corruption and the people's attitude towards the anti-corruption efforts undertaken by the government.

In particular, in September 2014, as part of the annual sociological survey “Uzbekistan: Public Opinion 2014” public opinion in the country was polled about the fight against corruption, with the report published in the mass media; it was also circulated on 9 January 2015 to the Ministry of Justice, Office of the Prosecutor General and other agencies concerned.

Together with other public agencies, the Office of the Prosecutor General regularly conducts a systemic analysis into the current status of anti-corruption efforts across all spheres, based on which relevant steps are taken then.

Analysis of sociological survey reports, the dynamics and trends in corruption offences, performed based on the materials of the cases investigated, statistics and other sources of information, makes it possible to identify promptly the most corrupt-prone areas.

Based on data collected in the course of the monitoring, the periodic plans for the later half of 2014 were updated to include in-depth studies into causes and conditions leading to corruption in the sphere of land use and in public procurement.

Based on the situation analysis in the above spheres, a detailed analytical report was drawn up, showing specific reasons for corruption manifestations and ways to address them.

The work culminated in the establishment of standing interdepartmental working groups; comprehensive corruption prevention plans are approved and implemented, with measures to ensure further monitoring of the outcomes of the above anti-corruption plans.

The Office of the Prosecutor General has plans for continued implementation of measures aimed at the systemic analysis of the status of anti-corruption efforts across all spheres, and ensured elaboration and implementation of sectoral anti-corruption plans. Thanks to the data collected through the monitoring, plans of work for the earlier half of 2015 now incorporate studies into the causes and conditions leading to corruption on the area of social security, which is expected to inform efforts in designing and implementing anti-corruption mechanisms.

The Ministry of Justice also carries out research into corruption and its causes. In 2014, as part of the efforts to ensure compliance with the laws and eradication of conditions leading to corruption in legislative drafting and law enforcement at public agencies, 7 studies and monitoring projects were conducted.

Institutes of the civil society also actively contributed to corruption studies. In 2014, the Independent Institute for Monitoring of Formation of the Civil Society (NIMFOGO) introduced a systemic study and monitoring of actions aimed at preventing corruption in business and private entrepreneurship. Based on the outcome of this monitoring, a report was drawn up in November 2014, together with suggestions and recommendations to improve operational and legal measures aimed at preventing and disrupting breaches of legislation in that sphere.

In September - November 2014, the NIMFOGO, together with the territorial divisions of the Chamber of Industry and Commerce across all of the country's regions, including the Republic of Karakalpakstan and the City of Tashkent, held workshops to discuss "Issues of relevance for the protection of rights and legitimate interests of entrepreneurs". During these events the participants were surveyed to gauge perceptions of corruption in the business community, and identify the challenges faced by small businesses and private entrepreneurs. The study was based on a survey of 369 businessmen (on average, 26 respondents in each region) who responded to specially designed questionnaires.

In October 2014, the NIMFOGO developed a methodology and introduced an ongoing monitoring of the printed mass media and their coverage of facts of corruption in public agencies, government bodies and executive offices. Going forward, depending on the results in specific each year, the analysis of the printed press will be summarized, together with proposals to improve mechanisms aimed at enhancing public awareness about corruption and its legal implications, improving legal propaganda aimed at preventing and fighting this negative phenomenon both by public agencies and by institutions of civil society.

Since 2015, the NIMFOGO has been arranging for and conducting - regularly and based on an independent and systemic monitoring - an analysis of the causes and conditions leading to various aspects of corruption. The key objective of this monitoring is to study causes and conditions prompting corruption at public and administrative bodies, executive offices and bodies of self-government, as well as to develop recommendations and suggestions for its prevention.

Pursuant to its powers, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, dated 31 December 2014, No 377, the Chamber of Industry and Commerce is to conduct an ongoing monitoring of the performance and quality of government services offered by government agencies and other organisations, with the results of that monitoring reported on a quarterly basis to the Cabinet of Ministers of the Republic of Uzbekistan so that they can be used to inform measures aimed at enhancing the procedures involved in the delivery of government services to businesses, in particular to preempt procrastinations, red tape and delays in government services.

Studies of corruption have also been conducted by line ministries and departments.

One of the examples is the decision by the Ministry of Higher and Vocational Education of the Republic of Uzbekistan, aiming at preventing corruption, according to which special boxes have been installed at all universities and university campuses to collect suggestions and complaints (including anonymous ones); those are regularly studied and summarized up by a Working Group consisting of employees of the Ministry's internal inspection and representatives of the Kamolot youth movement. In January 2015, another sociological survey was conducted among the faculty and the undergraduate community covering issues of corruption.

Institutions of civil society have been actively cooperating with public agencies in corruption studies.

Materials of sociological surveys are circulated to all agencies concerned and published in the mass media. The studies help inform the Office of the General Prosecutor and other agencies in their effort to design relevant events aimed at corruption prevention.

Currently, the scholarly research into corruption is being conducted by the Tashkent State University of Law, together with the Police Academy and other educational and research institutions.

Assessment of Progress - 15th Plenary

As underlined in the assessment of the 13th Plenary, there is a plenty of available research on corruption in Uzbekistan. The Government reported the researches performed not only by the government agencies but also civil society organizations and academia, among them sociological surveys. Among the reported research there are those performed by:

- Centre for Public Opinion Surveys, sociological survey done on the issues of fight against corruption;
- Analysis performed by the Office of the Prosecutor General;
- Research conducted by Ministry of Justice;
- Researches performed by Chamber of Industry and Commerce;
- Research of the Independent Institution for Monitoring and Formation of Civil Society, etc.

Additionally, the government also reported establishment of the interagency working groups in charge of development of the sectorial corruption prevention plans based on the research.

What is notable though, notwithstanding the amount of the research available, government has not made use of the research to develop comprehensive strategic framework for fighting corruption.

There is ***progress*** in implementing this recommendation.

3. Recommendation 1.4 – 1.5. Public Participation

Develop and conduct awareness raising and education events for general public, selected risk groups of public officials, addressing also civil society associations and business sector. Make awareness raising events useful and focus on specific and practical aspects, such as rights and duties of each specific audience, practical ways to prevent corruption, right of citizens to interact with public institutions, etc. In providing awareness raising and education events, use already developed and established methods and channels of cooperation notably between the governmental agencies and institutions and civil associations and allocate adequate funds from the state budget for these purposes.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

Together with NGOs, government authorities regularly conduct events promoting public awareness and anti-corruption education targeting broad groups of population.

Overall, in 2014 both government agencies and public associations conducted over 1,173,000 legal propaganda events that had an audience of over 13.5 mln.

To enhance legal literacy, legal mentality and legal culture in the society, in the same period offices of the Ministry of Justice completed over 56,000 legal propaganda events (compared to 53,200 in 2013), with an audience of over 2,139,000 (compared to 1.5 mln).

Legal awareness events also covered issues relevant to the Justice Ministry's monitoring work. Each January, the Ministry of Justice and its territorial divisions conduct special workshops, attended by the representatives of the offices that were audited in the previous year. During the workshops, the participants discuss drawbacks, malpractices and corruption offences identified, and propose measures to improve law enforcement practices. Suggestions and recommendations drafted based on such discussions have been circulated for internal use at ministries and departments, and local government offices.

In 2014, offices of prosecution conducted 187,400 legal awareness events, of which 139,200 were in the form of meetings, round tables and workshops, and 48,100 through the mass media (12,400 printed press, 22,600 by radio and 12,900 by television).

For instance, in 2014 there were 4,029 events aimed at preventing bribery and corruption, of which 3,107 were in the form of meetings, round tables and workshops, and 922 through the mass media (147 in the press, 550 by radio and 225 by television).

Additionally, there are events aimed at improving public awareness and anti-corruption education for certain target groups, among public servants and representatives of public associations and business community.

Issues of anti-corruption continue to be addressed at seminars, round tables and conferences.

For instance, as part of the project "Assistance to anti-corruption system. Phase II", the Ministry of Justice, together with the OSCE Project Coordinator, held a workshop on 9 December 2014 entitled: "Preventive anti-corruption mechanisms: relevance of anti-corruption screening of normative legal acts". The workshop was attended by representatives from both chambers of parliament, ministries,

departments, and research and educational establishments. Foreign experts and speakers from ministries and agencies made presentations and participated in the discussion.

Throughout 2104, 8 seminars were held for officers of government and administrative bodies and local government authorities covering issues of anti-corruption standards in legislative drafting, drafting of normative legal acts and elimination of identified drawbacks.

Joint anti-corruption projects involving the OSCE, EU, UNDP, and Eurasian Group in 2014 held 9 international workshops, round tables, conferences and other events.

In November 2014, under the framework of the joint anti-corruption project with the OSCE, a series of workshops were held to discuss implementation of sectoral actions to prevent corruption in health care and education.

During the workshops, attended by the executive and high-level officers of the Ministry of Healthcare, Ministry of Popular Education, and Ministry of Higher and Vocational Education, the participants discussed issues of practical implementation of ministerial anti-corruption plans, and international experts offered their analysis of the work done and recommendations to enhance its efficiency.

On 9 December 2014, the Office of the Prosecutor General staged an Open Doors Day dedicated to the International Anti-Corruption Day.

This event, conducted together with the UNDP regional office, was attended by executive and high-level officers of the Office of the Prosecutor General and other departments, and representatives of international agencies, such as the UNDP, UNODC, the German Foundation for international legal cooperation, World Bank, together with civil society organisations, such as the Izhtimoiy fikr Centre, Independent Institute for Civil Society, Chamber of Industry and Commerce, Makhalla Fund, Kamolot movement, the Bar, political parties and academic community.

The event presented the Republic's work in preventing and combating corruption, including the contribution made by offices of prosecution in that sphere.

Public awareness events have practical uses, and focused mostly on specific practical aspects such as rights and duties of representatives of target groups; practical means to prevent corruption; rights of the public in their interaction with government agencies, etc.

Certain steps have been taken to improve the existing methods and mechanisms of cooperation between government agencies and public associations.

Assessment of Progress - 15th Plenary

Recommendation calls upon Uzbekistan to develop and conduct tailor made education and awareness campaigns for the selected risk groups of public officials as well as civil society, businesses and general public as a whole and to allocate adequate budgetary resources for this exercise.

Uzbekistan reports number of awareness raising and training activities, a) general: on the rule of law the legal issues, as well as b) specific: on anti-corruption. As reported, the activities include not only the general public, but also the specific target groups within the government administration as well as outside the government. While the efficiency of these measures are still to be explored and confirmed perhaps during the third monitoring round of Uzbekistan, it is apparent that plenty of

activities are carried out aimed at implementation of this recommendation. Provided information, nevertheless, creates impression that these measures do not have the systemic or targeted character which may or may not be the case and can only be assessed within the framework of the full monitoring procedure of Uzbekistan.

In addition, in the absence of the general strategy to fight the corruption, as well as key legislative instruments that could serve as the anti-corruption framework of the country, the content of these measures raises questions. At this point, nevertheless, it can be concluded that there is ***progress*** in implementation of this recommendation.

4. Recommendation 1.6. Specialized Anti-Corruption Policy and Coordination Bodies

Ensure a specialized agency or unit within an existing public institution that would be responsible for development and coordination of the national anti-corruption policy, would monitor and supervise its implementation and would disseminate knowledge about prevention of corruption and regularly cooperate with civil society. Authorities should ensure such body is granted effective independence, necessary material resources and specialized staff with regular training in order to enable them to carry out their functions.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

There have been no updates on that recommendation since the last progress report.

Assessment of Progress - 15th Plenary

As a part of the previous progress updates (for 13th and 14th plenaries), Uzbekistan reports creation of the unit for the prevention of corruption under the Prosecutor General's Office, however it is unclear whether this unit is in fact in charge of development and coordination of anti-corruption policy as there are no results of its work reported by the time of the monitoring meeting.

Thus there is ***lack of progress*** in implementation of this recommendation.

5. Recommendation 1.7. Participation in International Conventions

Republic of Uzbekistan should ensure the necessary anti-corruption legislation is in place to enhance compliance with the UN Convention against Corruption and continue monitoring of its implementation and awareness raising on its provisions.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

There have been no updates on that recommendation since the last progress report.

Assessment of Progress - 15th Plenary

Uzbekistan reports several changes in its criminal legislation in response to this recommendation. As the recommendation is not specific and generally requires Uzbekistan to implement the UNCAC, experts concluded that even minor changes to the legislation can be regarded as **progress**.

PILLAR 2. CRIMINALIZATION OF CORRUPTION

6. Recommendation 2.1-2.2. Offences

Amend the Criminal Code to ensure the following:

- subject of a bribery, both in public and private sector, covers undue advantages which include both material and non-material benefits.
- definition of a bribery includes undue advantages not only for the official himself/herself, but also “for another person or entity” regardless the interests of a briber as required by articles 15 and 16 of the UNCAC;
- promise and offer of a bribe, both in public and private sector, and solicitation of bribe by public official are criminalized, according to the UN Convention against Corruption;
- introduce efficient and effective civil, administrative or criminal liability of legal persons for participation in the corruption offences, in line with the UNCAC.

Consider amending the Criminal Code to ensure the following:

- “concealment”, “abuse of functions”, trading in influence, “illicit enrichment”, as defined by the UNCAC, are criminalized.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

There have been no updates on that recommendation since the last progress report.

Assessment of Progress - 15th Plenary

Lack of Progress

7. Recommendation 2.3 Definition of Public Official

Amend the Criminal Code to ensure that the bribery of foreign public officials and public officials of international organizations is criminalized explicitly, either through amending the definitions of public officials or by introducing separate criminal offences.

Bring in compliance with each other definitions of an official provided by the Criminal Code and Code on Administrative Liability.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

There have been no updates on that recommendation since the last progress report.

Assessment of Progress - 15th Plenary

Lack of Progress

8. Recommendation 2.5.1. Sanctions, Confiscation and Statute of Limitations

Take measures to enable confiscation of proceeds of crime derived from the corruption-related offences in line with the international standards, including as follows:

- Provide for a legal definition of the term “confiscation”;
- Adopt provisions that enable confiscation in all situations of:
 - proceeds of crime that have been transformed or converted, in part or in full, into other property;
 - proceeds of crime that have been intermingled with property acquired from legitimate sources;
 - *income or other benefits derived from proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled;*
- *Consider adopting a provision that requires an offender to demonstrate the lawful origin of the alleged proceeds of corruption offences or other property liable to confiscation.*

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

There have been no updates on that recommendation since the last progress report.

Assessment of Progress - 15th Plenary
Lack of Progress

9. Recommendation 2.5.2. Asset Recovery

- Take measures to enable direct recovery of property as it is established by Article 53 of the UNCAC including:

- measures to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with the UNCAC,
- measures as to permit domestic courts to order those who have committed offences established in accordance with the UNCAC to pay compensation or damages to another State Party that has been harmed by such offences,
- measures to permit domestic courts or competent authorities, when having to decide on confiscation, to recognize another State Party’s claim as a legitimate owner of property acquired through the commission of an offence established in accordance with the UNCAC;
- Consider adopting provisions that enable confiscation of crime proceeds without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases;
- Take measures to enable the return and disposal of assets as it is established by Article 57 of the UNCAC.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

There have been no updates on that recommendation since the last progress report.

10. Recommendation 2.6 Immunity and Statute of Limitations

Adopt clear, simple and transparent rules for lifting of immunity and limit the categories of persons benefiting from immunity and the scope of immunity for some categories to ensure that it is restricted in applications to acts committed in the performance of official duties.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

There have been no updates on that recommendation since the last progress report.

Assessment of Progress - 15th Plenary
Lack of Progress

11. Recommendation 2.7. International Cooperation and Mutual Legal Assistance

Consider adopting provisions that allow taking testimony of a witness or expert by video conference in accordance with Article 19 of the UNCAC.

Consider becoming a party to the CIS Chisinau Convention on mutual legal assistance.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

By way of promoting the reforms already started, the Supreme Court has prepared a draft law containing norms that envisage introduction of the following amendments and amplifications in certain articles of the Civil Procedures Code of the Republic of Uzbekistan:

Articles 201 – 203, setting the procedure of audio and video recording of the trial;

Articles 1651 – 1655, allowing for remote participation in the trial, without attending physically the courtroom.

Additionally, the draft law provides for:

the right to judicial remedy, which specifically states that one can apply to the court following a paper-based or electronic procedure;

sending and receiving notifications, court writs and procedural documents in electronic form in the manner of and compliant with the rules of the information system used by the court. Three methods of sending notifications, court writs and procedural documents are established thereby: through publication on the portal of the judicial information system; by electronic mail, and by an SMS message to a mobile phone number;

a possibility to keep court session records and submit notes to the minutes of the court session electronically;

the need to indicate the email address and the number of the mobile phone in the application;

a possibility to submit applications to the court on paper or electronically;

preparation for trial. In particular, as part of the preparation for the trial, the judge shall assist the parties in getting themselves registered in the electronic court information system, and shall also obtain from the parties relevant email addresses and mobile phone numbers.

Assessment of Progress - 15th Plenary

The recommendation has 2 elements: one requires that Uzbekistan considers the possibility of allow taking testimony of a witness or expert by video conference in accordance with Article 19 of the UNCAC and the other - to consider becoming a party to the Chisinau Convention on mutual legal assistance.

Uzbekistan reported the draft legislation in relation to the first part of the recommendation. There is no information provided in relation to the second part. While the recommendation only requires to consider the possibility of allowing witness testimony through video-conference, what is in fact reported is that the Supreme Court has prepared the draft on *civil procedure*.

Lack of Progress

12. Recommendation 2.8 Application, interpretation and procedure

Adopt the law that allow for the appropriate use of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic and other forms of surveillance and undercover operations, within territory of Uzbekistan, and to allow for the admissibility in court of evidence derived therefrom, in accordance with Article 50 of the UNCAC.

15th ACN Istanbul Action Plan Monitoring Meeting, 23-25 March, 2015

Measures taken to implement the recommendation

There have been no updates on that recommendation since the last progress report.

Assessment of Progress - 15th Plenary

The plenary noted the entry into force of the law on operative-investigative activities and while its contents and the compliance with recommendations are to be assessed during the monitoring round, it was concluded that there is ***progress*** in implementation of the recommendation.

13. Recommendation 2.9. Specialized Anti-corruption Law Enforcement Bodies

Strengthen capacities and training in use of modern approaches and techniques of law enforcement bodies in charge of detection, investigation and prosecution of corruption crimes.

Consider adopting a more pro-active and targeted approach to investigating corruption, looking into main risk areas and conducting risk analysis.

The state bodies performing inquiry, preliminary investigation and operative detective work on corruption cases regularly hold events (trainings, seminars, sessions, etc.) aimed at strengthening the capacities and advancing professional training of the staff as to the application of modern approaches and methods of work.

As part of the upgrading of the qualifications of prosecution officers, the Office of the Prosecutor General regularly holds training on issues related to detection of corruption: since early 2014 trainings on “Specifics of detection and investigation of white-collar and corruption offences” have involved 800 officers of prosecution and other law enforcement authorities.

Within the framework of the upgrading courses for executive-level officers of prosecution, there are 30-hour training sessions under the Anti-Corruption Module. In 2014, the qualifications upgrading courses for the prosecution officers held over 30 training sessions addressing anti-corruption issues.

Throughout 2014, the Offices of the Prosecutor General, Ministry of Justice and other agencies produced a number of methodological guidelines in the anti-corruption area ("Prevention of corruption in the area of land use", etc.), and had training manuals published.

To brief judges and potential judges of the key requirements in the anti-corruption area, the Centre for Advanced Training of Lawyers at the Ministry of Justice of the Republic of Uzbekistan has incorporated in the curricula of judges' and potential judges' training a study course on Judicial Ethics; a special course on "International Law in Anti-Corruption": topics such as "Corruption offences in the economy and activity of business entities", "Ethical standards in the delivery of justice", "Corruption offences in office" and "Certain issues of judicial practice in trying cases of money laundering".

In 2014, the study curricula at the Centre for Advanced Training of Lawyers at the Ministry of Justice of the Republic of Uzbekistan were updated to include particular topics on "International Law Fundamentals in Anti-Corruption" and "Anti-Corruption Norms in the Criminal Law of the Republic of Uzbekistan". Training sessions on the above subjects are held for judges, potential judges (4 academic hours), defense lawyers, employees of the Ministry of Justice offices and legal counsels (2 academic hours).

Similar events aimed at strengthening the capacity and advancing professional training of the staff are also conducted in the police and at national security bodies, as well as at the customs and tax authorities.

More international events have been held intended to strengthen the capacity and improve professional qualifications of the personnel in the application of modern approaches and methods used by law enforcement agencies involved in the detection, investigation and criminal prosecution of corruption offences.

For instance, on 16-18 February 2015 in Tashkent, the Office of the Prosecutor General, together with other agencies, held a workshop entitled "Fighting corruption in the area of entrepreneurial activity" targeted at law enforcement officers and academia.

In January 2015 the Office of the Prosecutor General held a training course entitled "Methods of financial crime investigations" at which a team of international instructors from the US DEA shared their expertise relating to the sphere of financial investigations, including methods of financial investigation, search and seizure, data analysis, as well as the use of controlled accounts and organizing surveillance.

Additionally, between September 2014 and February 2015, 25 training sessions were held remotely, through video conferences, that involved 108 officers of the Office of the Prosecutor General, National Security Service, Ministry of the Interior, Central Bank, Ministry of Justice, State Telecommunications Committee, State Committee on Competition, State Customs Committee, State Tax Committee and other agencies involved in the fight against money laundering and terrorism financing. Following the training sessions, the officers received course certificates.

In addition, the Office of the Prosecutor General, in cooperation with other government authorities, regularly performs a systemic analysis of the current status of the fight against corruption across all spheres, based on which relevant actions are developed (see response pertaining to Recommendation 1.3).

Assessment of Progress - 15th Plenary

There is some progress in implementation of the first part of the recommendation. The dedicated training module on 'Fight against Corruption' is made part of the training curriculum of the prosecution service employees. There are number of trainings reportedly conducted by the

Prosecutor General's offices for its employees, including several methodological seminars dedicated to the methods of the financial crime investigation. While it is important to look into the contents of the training material in order to give a full assessment of the progress in implementation of this part of the recommendation, from the information provided by the authorities, it is clear that the relevant training institutions have prioritized the anti-corruption training.

At the same time, it should be underlined that the progress in this part of the recommendation cannot be substantial unless the legislation of Uzbekistan in the area of criminalization of corruption is aligned with international standards, including modern approaches and techniques for investigation and prosecution of corruption.

As regards the second part recommending Uzbekistan to take pro-active measures in investigation of corruption in the main risk areas conducting risk analysis, it is mentioned that the Office of the Prosecutor General in cooperation with other agencies regularly performs systemic analysis of the current status of the fight against corruption and develops relevant actions. However, no specific information has been provided to show that the law-enforcement has considered or has been using a pro-active and targeted approach in investigation corruption

Progress

PILLAR 3. PREVENTION OF CORRUPTION

14. Recommendation 3.2. Integrity in Civil Service

Adopt legislation, which will introduce a system of transparent, merit-based competitive recruitment, appointment and promotion in the civil service. Provide definitions of professional and political officials.

Introduce a transparent salaries scheme in public service and rules and criteria for the allocation of variable component of salaries.

Introduce regulation on prevention of conflict of interests and ensure it is properly enforced in practice.

Put in place a system for public officials to submit asset declarations; regulate the procedure of declaring personal assets of public officials and consider checking these declarations and making them public.

Provide general guidelines for codes of conduct of public institutions. Establish a rule that it is mandatory to adopt a code of conduct. Determine sanctions that can be imposed for failure to implement ethical rules.

Introduce regulations on accepting gifts by public officials and consider the possibility to set restrictions on post-office employment for public servants.

Adopt regulations on the protection of "whistleblowers".

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Measures taken to implement the recommendation

Actions indicated in the previous progress report are being pursued currently.

Assessment of Progress - 15th Plenary

No new information has been reported in relation to this recommendation. *Lack of progress.*

15. Recommendation 3.3 Transparency and Discretion in Public Administration

Establish a requirement of mandatory anti-corruption screening of legal acts; adopt rules regulating procedure of the screening and the consequences if the screening reveals provisions fostering corruption.

Adopt measures aimed at simplification of regulation in different sectors; consider the possibility to develop and adopt a single code of administrative procedures.

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Measures taken to implement the recommendation

The Law of the Republic of Uzbekistan “On Normative Legal Acts” (as amended) establishes, at the legislative level, the requirement under which in the course of legal screening of normative legal acts, the Ministry of Justice of the Republic of Uzbekistan and its local divisions must perform an anti-corruption screening, namely, an analysis of legal normative acts with the aim of identifying any provisions or norms conducive to corruption or other offences in government or administration offices, or else introducing excessive administrative or other restrictions.

The Justice Minister has approved the applicable anti-corruption screening methodology drawing on domestic and international experience.

The anti-corruption screening serves as an effective filter to norms and provisions in normative legal acts that create potential for corruption by their application. The introduction of the requirement whereby normative legal acts must undergo anti-corruption screening, has already demonstrated its positive impact on the legislative process.

Over the period under consideration, the following normative legal acts have been subjected to legal screening:

Law “On commercial secret” (dated 11 September 2014, No ZRU-374);

Law “On exchanges and exchange activities”, as amended (dated 12 September 2014, No ZRU-375);

Law “On investment activities”, as amended (dated 9 December 2014, No ZRU-380);

Decree by the President of the Republic of Uzbekistan dated 7 April 2014, No UP-4609 “On additional measures for further enhancement of investment climate and business environment in the Republic of Uzbekistan”.

As part of the project “Assistance to anti-corruption system. Phase II”, the Ministry of Justice, together with the OSCE Project Coordinator, held a workshop on 9 December 2014 entitled: “Preventive anti-corruption mechanisms: relevance of anti-corruption screening of normative legal acts”. The workshop was attended by representatives from both chambers of parliament, ministries, departments, and research and educational establishments. Foreign experts and speakers from ministries and agencies made presentations and participated in the discussion.

Also, 8 workshops were held in 2104 addressing issues of anti-corruption standards in legislative drafting, drafting of normative legal acts, and elimination of current drawback, targeting officers of government and administrative authorities and local government bodies.

Normative legal acts are systematically drafted aiming to simplify regulation and improve administrative procedures.

The resolution was drafted and approved by the President of the Republic of Uzbekistan on 15 July 2013, No PP-2003, “On approving plans for the drafting of normative legal and other acts intended to implement reference rules in laws”. The resolution provides for the drafting of normative legal acts regulating relevant spheres that are meant to substitute for 136 reference rules

in laws and thus eliminate “gaps” and lacunas in the legislative framework that led to corruption. Pursuant to the above resolution by the President of the Republic of Uzbekistan, as of February 2015, 69 normative legal acts were adopted.

Uzbekistan has produced, and consistently improves, the relevant legislative and regulatory basis, and measures are being taken to lower administrative costs and reduce the number of procedure types and streamline licensing procedures in business.

For instance, the Cabinet of Ministers approved on 2 December 2014, No 328, an ordinance “On measures to implement a system for assessing the impact of legislative acts on entrepreneurial activity”. This ordinance introduces a mechanism, effective as of 1 January 2015, for assessing the impact of draft laws and the effective legal normative acts on business, which involves their discussion at the Uniform Portal of interactive government services of the Republic of Uzbekistan.

In addition, with its resolution of 31 December 2014, No 377 “On measures to improve further the procedures for the delivery of government services to business entities”, the Cabinet of Ministers as of 1 January 2015 has forbidden government authorities and other organisations to require, while offering government services to business entities, any documents or information available at other government agencies or other organisations, including certificates confirming absence of tax arrears or outstanding utility bills, copies of article of incorporation, licenses or permits.

In February 2015, together with the Chamber for Industry and Commerce, Ministry of Justice and other authorities, the Office of Prosecutor General drafted a law introducing amendments to certain acts of legislation aimed at the implementation of legal actions to streamline and reduce regulation in the business sphere. The draft law is currently made available for public discussion, published at the web-sites of the Office of the Prosecutor General and Ministry of Justice.

Assessment of Progress - 15th Plenary

As regards the anti-corruption expertise of the draft normative acts, the relevant legislation prescribing obligatory anti-corruption expertise was adopted during the previous reporting periods. The Ministry of Justice, in the course of the expertise of the draft normative acts is responsible for performing the anti-corruption expertise as well. The Minister of Justice approved the relevant methodology. Uzbekistan reports about the acts that have gone through the anti-corruption expertise. During the next round of monitoring it will be important to see how efficiently the mechanism is used in practice.

As regards the simplification of regulations, it is reported that with this very purpose the legislation is being revised systematically, including with the objective of reducing the number of administrative procedures and costs. In accordance with the Order of the Government on the measures to implement impact assessment of legislation on businesses the relevant mechanism was introduced on 1 January, 2015. Another Decree of the Government (dated 1 January, 2015) has introduced a new regulation, under which the documents that are already available in the relevant state bodies shall not be requested from business entities in the process of service delivery. Further, the law drafted in February 2015 aimed at measures for streamlining legislation and reducing the regulations, which is now available for the public discussion on the website of the Ministry of Justice of Uzbekistan. These measures are welcome. While not having the opportunity to study the relevant legislative base, the expert team believes that the reported measures already constitute ***the progress*** in implementation of the recommendation.

15. Recommendation 3.4 Financial Control and Audit

Introduce anti-fraud and anti-corruption audits in the scope of activities of the Accounts Chamber of the Republic of Uzbekistan.

Ensure transparency of public expenditure via adopting rules setting mandatory requirement to make this information public.

Create internal audit units in executive bodies. Ensure operational independence of the internal control units. Set unified regulations for the performance of internal control units acting in different state bodies, organizations.

Provide trainings in the field of corruption and fraud detection to the auditors of the Accounts Chamber, employees of structures carrying out internal audit.

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Measures taken to implement the recommendation

The Audit Chamber has introduced, and effectively applies a system of audit inspections aimed at detecting cases of fraud and corruption as part of the activity performed by the Audit Chamber of the Republic of Uzbekistan.

It continues to implement actions promoting transparency of government expenditures through the adoption of rules that prescribed a mandatory requirement to publish such information.

Over the period under consideration (September 2014 – February 2015), the Audit Chamber conducted 5 trainings and study workshops for the Audit Chamber employees aimed at improving practical mechanisms used to detect corruption during audits.

To promote prevention of corruption in financial control, the Training Centre of the Ministry of Finance introduced a training course to upgrade the qualifications of financial officers.

In 2014, two-week courses were set up for the training and retraining of 36 categories of workers at the Treasury, financial department, and controlling and auditing department, as well as for groups of the human resources pool (76 students) which included separate topics aimed at raising the awareness of financial officers about anti-corruption efforts, including training in methods of corruption detection.

The training in those subjects covered 1,140 students who were financial officers trained at the Training Centre of the Ministry of Finance.

To promote prevention of corruption in financial control in 2014, the Training Centre of the Ministry of Finance introduced a two-week course for the training and retraining of 62 categories of workers at the Treasury, financial department, and controlling and auditing department, as well as for groups of the human resources pool (146 students), who had 164 hours of lectures. The training in these subjects covered 2,101 students who were financial officers, including executive officers from regional departments of finance and the treasury, undergoing training at the Training Centre of the Ministry of Finance. The key objective is to improve expertise of financial officers in detecting corruption.

In 2015, it is planned to offer training to 217 groups in 62 categories of financial and treasury officers. The curricula for each of the categories of students, including those from control and auditing departments, will mandatorily include training in anti-corruption awareness. As of 19 February 2015, the Training Centre has offered training in these topics to 231 students, out of 3,952 to be trained.

For purposes of improving theoretic and practical skills in legal culture and literacy, on 16-17 October 2014 the Training Centre introduced an upgrading course for legal counsels from territorial financial departments and controlling and auditing offices. The purpose and objective of the above course is to engage lawyers in the organization of systemic monitoring of normative legal documents, control rules and methods of detection of corruption.

Assessment of Progress - 15th Plenary

The information provided in the progress update mainly deals with the trainings conducted in the relevant area, whereas the main aspects of the recommendation, such as creation of internal audit

units in executive branch institutions and insuring their operational independence are not addressed. Neither is the information provided about the unified regulations for the performance of the internal control units.

On the issue of ensuring transparency of the public expenditure, it is reported that the relevant information is made public, however, it remains to be clarified how this is done and what is the frequency of publication of the information in question.

Activities of the Accounts Chamber reportedly includes the anti-corruption and anti-fraud audits, with no reference being provided as to when and by which document this was introduced after the monitoring round.

Accordingly, there is limited **progress** in implementation of this recommendation.

16. Recommendation 3.5 Corruption in Public Procurement

Review the existing public procurement legislation by introducing provisions that will ensure transparency at all stages of procurement process; expand the use of competitive procedures; ensure that single-source and emergency procurements are based on law and properly controlled.

Set clear regulation in regard to the review mechanism by public authorities to establish an independent and effective complaint procedure. Establish an independent public procurement review body competent to review appeals filed by participants of the tendering procedures, introduce a “freezing period” for the results of tenders to allow for filing of complaints. Adopt provisions stating that the eligibility criteria for bidding in the public procurement include the absence of a history of corruption. Create a register of debarred entities.

Provide corruption and anti-corruption training to the staff of the bodies responsible for public procurement. Ensure statistical information and analysis of data on procurement values, methods, complaints and other relevant information.

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Measures taken to implement the recommendation

Actions indicated in the previous progress report are being pursued currently.

The specialized information portal of the Uzbek Republican Commodity Exchange has been modernized to serve as an internet web-site (www.dxarid.uzex.uz) whose main function is to appraise auction bidders about public procurement for goods works or services.

The work is being finalized under the following projects:

- Concept for development and enhancement of public procurement in the Republic of Uzbekistan in 2015-2025;
- Terms of reference for the simplified procedure in public procurement at the Uzbek Republican Commodity Exchange (e-shop);
- Terms of reference for setting starting prices for food products purchased by government-subsidized organisations.

The above draft documents were subjected to a broad discussion with experts from ministries and departments concerned.

To keep bidders in public procurement informed, including, in particular, customers from budgetary institutions and government-subsidized entities, as well as goods (work, services) suppliers, training manuals were developed, with an input from the Ministry of Finance, covering public procurement issues, together with other training materials. Based on these manuals, the Training Centre offers practical training workshops for the above categories of users, by regions, in accordance with the annually approved training programmes.

Together with the Treasury and the Uzbek Republican Commodity Exchange, the Training Centre has developed and approved training curricula on the "Organisation and Execution of Public Procurement through electronic auction trading at the Uzbek Republican Commodity Exchange". The course is intended for budgetary institutions and suppliers of goods (work and services), including small businesses involved in public procurement.

To promote efficient use of government monies, broader access to public procurement of goods (work, services) by small businesses, and enhance competition and transparency in public procurement, starting from 2014, the Training Centre has been offering training courses for supplies of goods (work, services) and small businesses.

The key objective of these training courses is to support goods (work and services) suppliers and small businesses, introduce them to the key legal acts and help them learn the skills needed to use the web portal of the Uzbek Republic Commodity Exchange (<http://dxarid.uzex.uz>) and the Centre for promotion of small businesses' goods.

The training course has been set up and held regularly across all regions of the country. To ensure flexibility in training offered to goods (work, services) suppliers, including small businesses, this training is held following 2 methods – onsite courses (at district, city or regional centres) and remotely (www.tcmf.uz).

Upon completion of the course, students are issued special certificates of graduation. Based on these documents, suppliers are then authorized (issued login/password) to use the Commodity Exchange web-portal in the system of public procurement.

In December 2014, the Treasury of the Ministry of Finance of the Republic of Uzbekistan, together with the Chamber for Industry and Commerce of the Republic of Uzbekistan, Finance Ministry's Training Centre and the Uzbek Republican Commodity Exchange, held brief workshops in all regions of the country aimed at preventing corruption in public procurement.

Pursuant to Protocol No 10 of the meeting of the Government Public Procurement Commission of the Cabinet of Ministers of the Republic of Uzbekistan of 27 August 2014, No 02-02/1-91, the Ministry of Finance, assisted by the UNDP project "Reform of the Budget System in Uzbekistan", drafted a law "On public procurement".

Six round tables were conducted to discuss the draft law during the legislative drafting, assisted by representatives of both chambers of parliament, Cabinet of Ministers, ministries, state committees and agencies concerned, as well as business community and various international financial and economic organisations.

A working group was set up to coordinate and finalize the above draft law, incorporating qualified experts from ministries and agencies of the Republic of Uzbekistan.

This draft law:

introduces generally accepted principles in public procurement;

establishes roles of entities and objects in public procurement;

defines key terms used in the process of public procurement;

determines authorities and functions of relevant government agencies in the area of public procurement;

defines modes and procedures of public procurement;

introduces the requirement to monitor the process of extrajudicial appeal; and

offers other important norms relating to public procurement.

With the support of the UNDP project "Reform of the budget system in Uzbekistan" an international consultant was retained in 2014 (Mrs. O.V. Anchishkina) to conduct an assessment of the draft law's compliance with the international rules in the sphere of public procurement.

The international consultant conducted an expert assessment of the draft law and noted the need to amplify it by clarifying the segregation of duties, rights and responsibilities at each stage of public procurement for all entities involved in it, and by offering more specific description of the procedures; she suggested adding articles describing two-stage auctions in public procurement, and applying requests for prices, etc., and enhancing electronic bidding; her other suggestion was to develop a comprehensive programme implementing the draft law "On public procurement".

Suggestions made by the international consultant were discussed at the workshop held on 19 November 2014. The workshop was attended by representatives of both chambers of parliament, Cabinet of Ministers, ministries, state committees and agencies concerned, as well as business community and various international financial and economic organisations.

In addition, in line with the suggestions made by the international consultant and proposals collected during the workshop, the working group holds regular meetings to discuss proposed amendments and corrections in this draft law.

The finalized draft law will be re-introduced again in the near future to ministries and agencies for consultations.

Assessment of Progress - 15th Plenary

Uzbekistan reported several trainings conducted in the area of public procurement in the reporting period. However, training constitutes only one small element of the present recommendation which requires considerable legislative and institutional changes to reform the public procurement in Uzbekistan. The new law on procurement has been drafted by Uzbekistan, which reportedly addresses the several aspects of this recommendation after the adoption of the monitoring report, however, in the reporting period it almost has not progressed. Not having the opportunity to examine the draft law itself, which may or may not contain the relevant provisions related to the recommendation, such as independent board for reviewing complaints, register for debarred entities, introducing the *freezing period* etc., it can still be concluded that the insignificant, if any at all, measures have been taken by Uzbekistan with a view of implementation of the present recommendation in the reporting period for 15th plenary: the draft law on the public procurement is still at the stage of development and the plans of its adoption are not clear.

The information has not been provided about the direct procurement awards in practice and their share in the public procurement.

At the same time, as the information provided during the previous progress update procedures in relation to this recommendation has not yet been assessed, where Uzbekistan reported creation of the trusted call centres («телефоны доверия») under the Ministry of Finance, establishment of the special commission tasked with the dispute resolution under the Commodity and Raw Materials Exchange of Uzbekistan, creation of the black lists, elaboration of the training materials on issues of public procurement and the trainings as well as measures for introduction of the e-procurement.

It was concluded that there is ***progress*** in implementation of this recommendation.

17. Recommendation 3.6 Access to Information

Ensure that legislation on free access to information limits discretion of officials in refusing to provide information; set precise definitions of the "state secret" or "other secret provided by the law".

Carry out campaigns to raise citizens' awareness about their rights and responsibilities in regard to the access to information regulations. Ensure systematic training of officers who are responsible to provide information to the public on the access to information.

Establish a unified electronic system of publication of information by public institutions, define the list of information to be published by them mandatory and ensure this publication including of all legislative acts, court decisions and information about state budget income and expenditure, including information about income from export and how it is used. Ensure free public access to this information.

Ensure a special agency or an existing body (for instance, the Ombudsman) is responsible for the enforcement of the access to information legislation, performs surveillance over the implementation of the regulations, independent review of complaints and can apply sanctions in this area.

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Measures taken to implement the recommendation

Actions indicated in the previous progress report are being pursued currently.

The Uniform Portal of interactive government services offers over 230 interactive government services that allow the public and businesses to interact with government and administration agencies, and local government bodies. Over 600 bodies of government and administration, and local government bodies are covered, together with their structural and territorial divisions. Between 1 July 2013 and 17 February 2015, more than 135,800 applications were made to government agencies and department, of which 93% were addressed.

Pursuant to the ordinance of the Cabinet of Ministers of the Republic of Uzbekistan, No 355, "On measures introducing the system for assessing the current state of information and telecommunications technologies in the Republic of Uzbekistan", as of 2014 there are key normative requirements to the official websites of government and administration bodies and local government authorities, together with the ratings to assess the efficiency of IT implementation and development in their work, based on which the Information and Telecommunications Ministry assigns quarterly scores and reports them to the Cabinet of Ministers.

The draft ordinance of the Cabinet of Ministers of the Republic of Uzbekistan has been drawn up "On measures to improve further the performance of the Government web-portal of the Republic of Uzbekistan in the internet involving open government data".

The work is in progress for a Uniform web-portal of open government data, which is expected to go live by 1 April this year.

Assessment of Progress - 15th Plenary

The present recommendation involves the following elements: revision of legislation, defining the functions of FOI officers and their training, awareness on the right to information, mechanism for proactive publication of information with the regulations on what needs to be published and efficient oversight over the enforcement of this right.

The major change in this area took place in the reporting period for 14th plenary: this is the adoption of the law on the openness of the state bodies, which as reported is in fact the law on freedom of information and public participation. It sets various high standards in relation to the right of access. For example, the presumption of openness, relatively low time period for answering the FOI requests, the obligation to publish certain information proactively. The law itself has not made available to the ACN secretariat; nevertheless the analysis of the legislation is the matter for monitoring not the progress update procedure. At the same time, no update is provided as to the defining the functions of FOI officers, awareness raising on access to information and the functioning of the mechanism for proactive publication.

Instead, this part of the progress update submitted by the government focuses on the electronization of government services under one portal, which in itself is a welcome development, however, subject to the recommendation 3.3 above.

There is some, ***progress*** in implementation of this recommendation.

19. New Recommendation 3.7 Political Corruption

Further strengthen transparency of political party's financing and financing of electoral campaigns, ensuring this information is widely disseminated and easily available.

Ensure that responsibility and effective sanctions are provided for violations of party financing and financing of electoral campaigns rules, as well as for failure to make the financial reports of the political parties public.

Further elaborate principles and rules aimed at prevention of corruption and conflict of interests for political officials and effectively implement them.

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Measures taken to implement the recommendation

Actions indicated in the previous progress report are being pursued currently.

The Central Election Commission of the Republic of Uzbekistan in its resolution of 11 September 2014, No 618, approved the Instruction for the manner of funding and use of funds in the preparation for and holding of election to Oliy Majlis (Parliament) of the Republic of Uzbekistan. The above legal act provides for expenditures related to the preparation for and holding of parliamentary election, which shall be paid for by the government budget. Funding or other material support to the parliamentary candidates and candidates to the Senate of Oliy Majlis of the Republic of Uzbekistan from other sources is prohibited.

Assessment of Progress - 15th Plenary

Progress update of 13th Plenary already noted better transparency of political party financing. Uzbekistan reports that there is a better transparency of the reports of the political parties, they are put on the webpage and easily accessible. The system of sanctioning of political subjects was introduced in the legislation however, there is no information provided as to the enforcement of the relevant rules in practice.

No information was provided on the sanctions for violation of party financing and financing of electoral regulations or failure to make the financial reports of the political parties public. Neither has there been information received about the rules aimed at prevention of corruption and conflict of interest for political officials or their implementation. The reported Decree of the Central Election Commission does not seem to address the recommendation in question. Considering the increased transparency and regular publication of the financial reports, it was concluded that there is a limited ***progress*** in implementation of this recommendation.

20. Recommendation 3.8. Corruption in the Judiciary

Ensure transparency of the judiciary, including but not limited to such means as establishing and publicizing the criteria for the selection and promotion and reasons for dismissal of judges; ensuring that high-profile corruption and human rights cases are transparently tried.

Adopt and implement a Code of Conduct for judges in line with the Bangalore Principles of Judicial Conduct.

Ensure access of public to the decisions of courts through the adoption and implementation of the relevant rules.

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Measures taken to implement the recommendation

Actions indicated in the previous progress report are being pursued currently.

Assessment of Progress - 15th Plenary

Revised version of the Decree on High Qualification Commission on Selection and Recommendation for Judges Positions under the President of Uzbekistan was approved; the authorities report that it has increased the transparency of the process of selection of judges. The decree includes the new functions of the Commission for monitoring the compliance with the ethic regulations by judges. The Ethical Code of Judges was adopted. The obligation to publish the decisions of the economic courts was introduced. The Decree as well as other relevant regulations are to be analysed further during the monitoring procedure. At this point, it was concluded that there is some ***progress*** in implementation of this recommendation.

21. Recommendation 3.9. Integrity in the Private Sector

Encourage private sector entities to adopt adequate internal control systems, including codes of business conduct and other anti-corruption compliance measures.

Involve private enterprises and the business sector at large in dialogue about necessary simplification of regulation and other measures to improve business climate and prevent corruption.

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Measures taken to implement the recommendation

Actions indicated in the previous progress report are being pursued currently.

Assessment of Progress - 15th Plenary

Progress can be noted in promoting some elements of internal control system, such as code of ethics, and generally promoting business integrity and dialogue with the business sector. In 2014, the Chamber of Commerce and Industry (CCI) developed a framework Code of Business Ethics which was adopted in the reporting period. This Code provides for the standards and practical recommendations in relation to the ethics issues, as reported by Uzbekistan. The Code is obligatory for the businesses that are part of the Chamber of Commerce and Industry. The content of the Code could not be assessed during the progress update procedure, rather it is subject to the monitoring

procedure, however, at this point it can be concluded that there is ***progress*** in implementation of this recommendation.