



Organization for Security and Co-operation in Europe

Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro, following her visit to the Republic of Uzbekistan, 5-9 November 2013

Introduction

1. The present Report is based on a visit to Uzbekistan by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro (hereinafter referred to as the Special Representative) from 5 to 9 November 2013¹.
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society and international organizations on human trafficking issues. More specifically, the objectives of this first visit to Uzbekistan were to discuss ways to support ongoing efforts to prevent trafficking, assist trafficked persons and protect their rights, as well as improve the criminal justice response in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Special Representative (SR) engaged in direct consultations with high-level Government officials, in particular with the Prosecutor General Rashidjon Kadyrov, as the Chair of Interagency Commission on Combating Trafficking in Human Beings, with First Deputy Minister of Labour and Social Protection, Batir Alimukhamedov, and Anvar Usmanov, Deputy Minister of Justice. She also held meetings with representatives of the Ministry of Foreign Affairs and the Ministry of Internal Affairs.

Furthermore, the SR met with the Chairperson of the Judicial Collegium on Criminal Cases of the Supreme Court, Gairat Khidoyatov, the Chair of the Committee on Legislation and Judicial-Legal Issues in the Senate of the Oliy Majlis of the Republic of Uzbekistan, Svetlana Artykova, the Chair of the Committee on Defence and Security in the Legislative Chamber of the Oliy Majlis, Kodirjon Juraev, as well as the Chair of the Women's Committee, Elmira Basitkhanova.

During her country visit, the SR also visited the State Rehabilitation Centre for Rendering Assistance and Protection to the Victims of Human Trafficking in Tashkent. She held a meeting with representatives of NGOs coming from various regions of Uzbekistan and met with the Federation of Trade Unions of Uzbekistan.

¹ The SR was accompanied by her Country Visit Officer Ms. Muriel Ethvignot and her Public Information Officer Mr. Alfred Kueppers. A follow-up visit by the Acting Co-ordinator and Country Visit Officer took place from 16 to 17 September 2014 to discuss the findings of the country visit.

Finally, she had the opportunity to meet local authorities in Samarkand, including Samarkand's Mayor and Head of the Samarkand Territorial Anti-trafficking Commission as well as the Oblast Prosecutor.

4. The Special Representative wishes to thank the Uzbek authorities, and in particular the Permanent Representation of Uzbekistan to the OSCE, the Office of the Prosecutor General of Uzbekistan as well as the OSCE Project Co-ordinator in Uzbekistan for their kind assistance in organizing and facilitating the visit. She also wishes to thank all interlocutors, from the national authorities to civil society and international organizations both in Tashkent and Samarkand, for their willingness to share their knowledge and insights.
5. Consultations during the visit focused on the situation of trafficking in human beings in the country and the ongoing policy, legislative and practical responses to it. More specifically discussions focused on identification and assistance provided to victims of all forms of trafficking, protection of victims' rights, efforts in the area of prevention, co-operation with NGOs as well as prosecution and convictions of traffickers.

In the course of the visit, the Special Representative noted with appreciation that Government officials and civil society demonstrated significant awareness and readiness to continue to co-operate with the OSCE to fight human trafficking as a serious violation of fundamental rights.

International and national legal framework

6. The Special Representative commends Uzbekistan for having become a party to major international instruments providing high standards in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime ratified in 2003² and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2008. The country also ratified a number of conventions addressing slavery and forced labour such as the ILO Forced Labour Convention (no. 29) ratified in 1992, the ILO Convention on the Abolition of Forced Labour (no. 105) in 1997 and the ILO Convention (no. 182) on Worst Forms of Child Labour that was ratified in 2008³.

The Special Representative also commends Uzbekistan for having signed and ratified several regional conventions, such as the Convention on the Legal Status of Migrant Workers in the CIS (2008), the Agreement on Cooperation in the field of labour migration and social protection of migrant workers (1994) and following amendments (2005) and the Agreement between the Government of the Russian Federation and the Republic of Uzbekistan on co-operation in the

² Source: <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en>, accessed 15 November 2013.

³ Source:

<http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103538>, accessed 15 November 2013.

fight against illegal migration and on the protection of the rights of workers (2007)⁴.

In addition to ratifying regional and international instruments, the Special Representative noted with appreciation the willingness of Uzbekistan to co-operating with other countries. In this regard, she acknowledges the role of the General Prosecutor's Office in executing extraditions when necessary.

7. Likewise, as an OSCE participating State, Uzbekistan is bound to respect the commitments undertaken in the OSCE framework, in particular the 2003 Action Plan to Combat Trafficking in Human Beings as well as its 2013 Addendum⁵.

The Special Representative commends Uzbekistan for its strong co-operation with the OSCE Project Co-ordinator in Uzbekistan. She wishes to highlight, as an example, the series of workshops organized in 2013 for the interagency anti-trafficking commission and other governmental bodies aiming at promoting anti-trafficking co-ordination between the police, health and social service providers, the women's committee, the *makhallas* (local neighbourhood communities) and NGOs.

Furthermore, the training course for diplomatic and consular staff of the Uzbek Foreign Ministry organized by the OSCE Project Co-ordinator and the Uzbek Ministry of Foreign Affairs on early identification of victims, as well as the work with the Federation of Trade Unions of Uzbekistan and a women's rights NGO on preventing human trafficking by empowering at-risk groups are also very good examples of this good relationship⁶.

8. The SR notes with appreciation that, in recent years, the Government of Uzbekistan has improved its institutional and legislative national framework to prevent and counter human trafficking, which partly results from good co-operation with the OSCE. The Criminal Code of Uzbekistan adopted in 1994 prohibits the recruitment of human beings for exploitation, mainly Article 135 (on trafficking in persons) and Articles 37, 7, 138 and 241 (on forced labour)⁷.

The SR appreciates the improvements of the legislative framework through the amendment of article 35. Indeed, the 2008 Law on Introduction of Amendments to the Criminal Code increased Article 135's sanctions under aggravated circumstances from "up to 8 years of imprisonment" to "8 to 12 years of imprisonment"⁸.

9. The main law on Counteracting Trafficking in Persons was adopted in 2008⁹ and, *inter alia*, defines the Ministry of Internal Affairs as the main body empowered to

⁴ Source: <http://www.uzbekistan.org/social_issues/trafficking_in_persons/>, accessed 15 November 2013.

⁵ OSCE Permanent Council, *Decision No. 1107 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later*, PC.DEC/1107 (6 December 2013).

⁶ For more detailed information on activities carried out in Uzbekistan, see the *2013 Annual Report of the Special Representative and Co-ordinator on Combating Trafficking in Human Beings*, <<http://www.osce.org/cthb/109731>>.

⁷ Source: <http://www.uzbekistan.org/social_issues/trafficking_in_persons/>, accessed 15 November 2013.

⁸ Ibid. Law adopted on 16 September 2008.

⁹ Ibid. Law of 17 April 2008.

carry out measures on suppressing, preventing and investigating crimes related to trafficking.

A Presidential Decree on Measures to boost the effectiveness of the Fight against Trafficking in Persons was then issued in 2008¹⁰ to complete the law. The Decree amends the Criminal Code provisions and in particular establishes the Republican Inter-Agency Commission to Counter Trafficking in Persons. The Commission is co-ordinated by the General Prosecutor's Office and includes relevant Ministries (e.g. Ministry for Foreign Affairs for victims exploited abroad, Ministry of Health for medical and psychological support), as well as the Women's Committee, the *Makhallas* and NGOs¹¹.

The SR noted with appreciation that regional branches of the Commission have been created in each Province of the country¹².

In the course of her visit, she had the opportunity to meet the Regional Inter-Agency Commission in Samarkand. Its main activities include raising awareness among the general population, implementing prevention activities in schools and orphanages in co-operation with NGOs, protecting and assisting victims¹³, supporting victims' rehabilitation through job placement as well as analysing trends and causes of trafficking¹⁴.

The Special Representative praised the Uzbek Government for having chosen a model that puts the central structure for combating trafficking at the highest level, which has been proved in the OSCE region as an effective model.

She also commended the authorities for having a comprehensive approach focusing on long-term rehabilitation and social inclusion of victims, offering them vocational training, facilitating their job placement as well as supporting entrepreneurship.

However, she noted that concerns have been raised by NGOs met during her visit regarding the co-operation between civil society and the Commission. In this regard, she recalled that the co-ordination mechanism had to be multidisciplinary and should involve all relevant Ministries and other stakeholders on an equal basis.

Trends on trafficking in human beings

10. Uzbekistan is a country of origin and transit for trafficking in women, men and children for labour and sexual exploitation.

The main destination countries for Uzbek women are the United Arab Emirates, Turkey, Israel, South Korea, Thailand, Greece, Malaysia and India.

Uzbek men are mainly trafficked for labour exploitation to Kazakhstan (agriculture and construction) and Russia (construction, private enterprises and

¹⁰ Ibid. Decree no. 911 issued on 8 July 2008.

¹¹ Source: General Prosecutor's Office.

¹² Ibid.

¹³ The Regional Commission assisted and referred 30 victims in 2012 and 25 in 2013 (at the date of the visit), source: Samarkand Regional Inter-Agency Commission.

¹⁴ Source: Samarkand Regional Inter-Agency Commission.

agriculture). Internal trafficking has also increased in the past years. Trafficking for begging purposes seems to have recently decreased.¹⁵

The lack of employment opportunities remains one of the major causes for migration.

Uzbekistan is in the top five countries of origin of victims of trafficking assisted by IOM in 2011.¹⁶

Street children and children in institutions are especially at risk of being trafficked in particular for prostitution.

Domestic child trafficking for sexual exploitation is believed by professionals to have increased: a growing number of girls under the age of 18 are visible in the domestic sex industry.¹⁷

Some NGOs assisting female victims reported that women sexually exploited, abroad or internally, represented 70% of the cases. Among those, 60% were between 18 and 25 years old and 20% between 15 and 18 years old.

Prevention activities

11. The Special Representative praised the Uzbek authorities for having undertaken many awareness raising activities throughout the countries, including some in co-operation with NGOs. Among those activities, many information campaigns were organized, TV and radio programmes diffused, 5 million booklets on trafficking were distributed to the general public, millions of booklets distributed to passengers leaving Uzbekistan by air or ground...etc.¹⁸

The Special Representative also noted with appreciation the role of the *Makhallas*, the Women's Committee and the Federation of Trade Unions of Uzbekistan in conducting prevention activities.

The Women's Committee¹⁹ aims at protecting mothers and children, promoting women's rights and facilitating women's employment. Their field presence in each *Makhallas* is definitely an asset for reaching many women in the communities.

The Special Representative recalled that promoting and protecting women's rights was one of the most powerful means to prevent trafficking in human beings.

The Federation of Trade Unions of Uzbekistan²⁰ is also very much involved in preventing human trafficking with a special focus on women and children, in

¹⁵ Source: Women's Committee.

¹⁶ 292 Uzbek victims were assisted by IOM in 2011: *IOM 2011 case data on human trafficking: global figures and trends* (February 2012).

¹⁷ UNICEF, *Risks and Realities of Child Trafficking and Exploitation in Central Asia* (2009).

¹⁸ Sources: Prosecutor General's Office, Ministry of Justice.

¹⁹ The Women's Committee is a mixed NGO/Government structure. It was established in 1991 on a Presidential initiative. Since the Anti-trafficking Law of 2008, they are part of the Inter-Agency Commission (source: Women's Committee).

²⁰ The NFTU has 6 million members, covers 11 sectors and has 14 prevention branches. (Source: Council of the Federation of Trade Unions of Uzbekistan).

particular ensuring that the ILO Convention of the Worst Forms of Child Labour is fully implemented.²¹

In this regard, the Federation of Trade Unions of Uzbekistan mentioned to the SR that no cases of child forced labour had been reported during the ILO's mission carried out in September 2013.

The SR encourages the authorities to continue monitoring the situation to ensure its full eradication.

The Special Representative noted with appreciation the good co-operation between the Federation of Trade Unions of Uzbekistan and the OSCE Project Co-ordinator in Uzbekistan particularly in implementing a joint project aiming at preventing trafficking and increasing family income.

The SR praised the Federation of Trade Unions of Uzbekistan for its efforts in informing workers about their rights and migrant workers on the legislation of countries of destination, promoting social responsibility of private companies as well as fostering entrepreneurship, in particular through the creation of home-based activities for migrants returning from abroad.²²

The Special Representative recalls the importance of social responsibility of companies and calls the Uzbek authorities to continue to promote the commitments of employers in applying human rights standards. She highlighted the importance of informing workers about their rights and recommended also the involvement of Labour Inspections for reaching out to potential victims especially in at-risk sectors.

12. In the field of domestic servitude, the Special Representative praised the authorities for the participation of their Protocol Services to the OSCE workshop²³ on preventing domestic servitude in diplomatic households. She wishes to encourage the authorities to continue disseminating good practices amongst its employees as well as monitoring potential cases.

Identification of victims

13. Since May 2012, 1700 persons have been identified as victims (out of 1600 cases investigated).

The *Makhallas*, together with the Women' Committees, are among the very first bodies able to identify victims of trafficking in the communities.

As far as identifying victims abroad, some NGOs are very pro-active in identifying victims in detention facilities in destination countries. They have established strong contacts with local authorities and Uzbek consulates as well as

²¹ Source: Council of the Federation of Trade Unions of Uzbekistan.

²² Ibid.

²³ The third workshop on prevention of trafficking of human beings for domestic servitude in diplomatic households was organized in The Hague on 8 and 9 October 2013. On this topic, see also OSCE OSR/CTHB, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, Occasional Paper Series no. 4 (2010).

created partnerships with NGOs in destination countries to help victims' identification and repatriation.²⁴

14. However, identification of victims is still a challenge in Uzbekistan, like in many other countries, as many victims fear stigmatization (especially when they are victims of trafficking for sexual exploitation) or have little faith in the ability of law enforcement to protect them.

In Uzbekistan, many NGOs raised some concerns about a well-established mechanism of identification and referral of victims.²⁵

The Special Representative recalls that a comprehensive National Referral Mechanism should provide a clear framework for the co-operation between all relevant actors from state and civil society. It should also define procedures to identify victims and assist them to claim their rights as well as how to bring the offenders to justice.²⁶

In this regard, she invites the Uzbek authorities to include multidisciplinary entities (such as NGOs, Ministries..) habilitated to decide who is a victim (in addition to the law enforcement agencies currently in charge) and to adopt more formalized procedures and definitions of the role and responsibilities of each entity involved.

Victim assistance and protection

15. The Cabinet of Ministers of the Republic of Uzbekistan issued a Resolution in 2008²⁷ which sets up a Rehabilitation Shelter in Tashkent, funded by the national authorities, providing assistance and protection to victims of trafficking.²⁸ The shelter is run on the principle of non-discrimination and also provides victims with medical (including treatment), psychological, legal and other assistance aimed at their social rehabilitation, establishing contacts with their relatives and fostering job placement. The main sources for victims' referrals are the Ministry of Foreign Affairs, the Ministry of Labour, the Ministry of Internal Affairs as well as from *Makhallas*.

The Special Representative commends the Uzbek authorities for having set up a comprehensive model of social inclusion and protection that could be promoted in the OSCE region.

²⁴ The NGO Istiqbolli has been helping women victims of trafficking in Israel and in the United Arab Emirates for example, as mentioned to the SR during her visit.

²⁵ Source: NGOs met during the visit. See also Istiqbolli Avlod, *National Report on Providing Access to justice for women victims of trafficking* (2011).

²⁶ For NRMs, see: OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking Action Plan to Combat Trafficking in Human Being* (Vienna, 7 July 2005) and OSCE ODIHR, *National Referral Mechanisms: Joining Efforts To Protect the Rights of Trafficked Persons: A Practical Handbook* (Warsaw, 2004).

²⁷ Resolution No. 240 issued on 5 November 2008 - Source: http://www.uzbekistan.org/social_issues/trafficking_in_persons.

²⁸ At the time of the visit, 14 victims were hosted by the shelter out of 30 beds available. The average stay for a victim in the shelter is one month. 1183 victims have been sent to the shelter since its opening, source: Ministry of Internal Affairs.

Although a few NGOs also run shelters (usually more family-like) and offer assistance, victims are referred to the State shelter when officially identified as victims by the police.²⁹

The Special Representative regretted that, *de facto*, assistance measures offered in the State Rehabilitation Shelter were conditional to co-operating with law enforcement.

She therefore advised the authorities to adopt an unconditional assistance model as it has been proved to be successful in many countries of the OSCE region.

The Uzbek model could be improved by giving victims the choice to either go to the State shelter or to an NGO run shelter.

16. The SR wishes to recall the importance of implementing the non-punishment clause for victims of trafficking, regardless of their legal status, for administrative and criminal offences committed in the course or as a consequence of being trafficked.³⁰

Although she noted with appreciation that the non-punishment clause exists in the Uzbek legislation³¹, she stressed that the Prosecutor General's Office should take full responsibility for supervising its implementation by law enforcement agencies. In this regard, she would recommend that this clause be explained to all stakeholders and interpreted in a broad way by judges and prosecutors. She therefore suggested OSCE's assistance in organizing trainings accordingly.

17. In the Criminal Procedure Code (article 60 to 63) and the Anti-Trafficking Law (article 13), a witness has the right for an advocate, and a victim (civil claimant) for a representative³². However, free legal aid is not mentioned as such.

Providing victims with free legal counselling since the very beginning is essential for the rehabilitation of victims, for encouraging them to report crimes, but also enables victims to claim compensation.

18. Victims' access to justice and remedies, including access to a compensation fund, has been a priority for the Special Representative both as a preventive and protective measure as it empowers victims and deters exploitation. The Special Representative emphasized that making compensation a reality for every trafficked and exploited person is a crucial aspect of an empowerment strategy that enables trafficked persons to move forward with their lives and prevents re-trafficking.

In this regard, she encourages the use of proactive and financial investigations in human trafficking cases, aimed at ensuring the confiscation of criminal proceeds and assets, as a measure to ensure victim compensation, deterrence for the perpetrators and also funding for further state action.

²⁹ 1183 victims have been sent to the shelter since its opening, source: Ministry of Internal Affairs.

³⁰ See OSCE OSR/CTHB, *Policy and legislative recommendations towards an effective implementation of the non-punishment provision with regard to victims of trafficking* (2013).

³¹ Article 12 of the Anti-trafficking Law.

³² Source: Istiqbolli Avlod, *National Report on Providing Access to justice for women victims of trafficking* (2011).

Although Article 13 of the Anti-trafficking Law envisages only the possibility to receive compensation from the perpetrators, the Special Representative also suggested that a State Compensation Fund be created.

Prosecution and convictions

19. The Special Representative recalled that the criminal law response was crucial for deterrence and prevention. In many countries the penal response is still weak.

In this regard, she encourages the authorities to continue to train all relevant officials to increase the criminal justice response.³³

She also suggested monitoring and analysing the case-law to identify potential gaps in the interpretation of the legislation.

20. The Special Representative recalls that, as stated in the OSCE Action Plan, investigators and prosecutors are encouraged to carry out investigations and prosecutions without relying solely and exclusively on witness testimony. It is recommended to explore alternative investigative strategies (including financial and forensic ones) to preclude the need for victims to be required to testify in court, or lessen the burden on those that do give evidence.

Co-operation with NGOs

21. The Special Representative recalled the importance of the role of civil society as crucial actors in the fight against trafficking in human beings as they have a complementary role.

NGOs are often very professional and reliable counterparts in conducting prevention activities, raising awareness and providing protection and assistance to victims.

In this regard, she wishes to highlight that the Government's activities in those fields do not prevent nor exclude their co-operation to NGOs.

She therefore calls on the authorities to co-operate with NGOs in a formalized procedure and allocate them long-term funding so that they can significantly contribute to the identification and assistance of victims.

Likewise, she recommends that authorities support and facilitate the registration of NGOs as non-profit organizations.

³³ 565 cases were investigated in 2010, 441 cases in 2011 and 460 cases in 2012 (source: Ministry of Internal Affairs).

Recommendations

1. Improve the National Referral Mechanism, by:

- Designing a formalized NRM, with clear procedures and definition of responsibilities of all entities involved, based on a multidisciplinary approach, which would *inter alia* enable NGOs to have a clear role in the victims' identification decision-making process.

2. Enhance prevention of all forms of trafficking, by:

- Continuing to analyse all forms of trafficking, new trends and offenders' profiles as well as undertaking an analysis of the case-law to improve the national response to trafficking;

- Continuing to inform workers about their rights;

- Continuing to promote corporate social responsibility and their commitment in applying human rights standards;

- Strengthening the role and involvement of Labour Inspections to inform migrant workers about their rights and identify potential victims, especially in at-risk sectors.

3. Improve assistance to victims and protection victim's rights, by:

- Adopting an assistance model that is not based on victims' co-operation: victims could be alternatively either by NGO shelters or the State shelter with equal level of protection services regardless of their readiness to co-operate with the authorities;

- Fostering the implementation of the non-punishment clause and supporting its broader implementation, especially through the training of judges and prosecutors and law enforcement agencies;

- Setting up free legal aid to all victims, from the earliest stage, including when they are still presumed victims, which would in particular enable them to claim for compensation.

- Creating a State Compensation Fund so that victims also have the possibility to be compensated even when it is not possible to receive compensation from the perpetrators.

4. Strengthen the criminal justice response, by:

- Carrying out investigations and prosecutions without relying solely on witness testimony and supporting alternative investigative strategies, including financial investigations.

5. Strengthen co-operation with NGOs, by;

- Strengthening the co-operation with NGOs in their capacity of having a complementary role;
- Supporting the development of NGO shelters as an alternative to the State shelter's services for victims' assistance and protection.
- Amending the legislation to facilitate and simplify the registration of NGOs as non-profit organizations.

ANNEX I

RESPONSE TO THE OSCE REPORT ON HUMAN TRAFFICKING (received in Russian on 27 March 2015 and translated into English)

The National Inter-Agency Commission on Combating Trafficking in Human Beings (hereafter the Inter-Agency Commission) has studied the report by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro, on the results of her visit to the Republic of Uzbekistan from 5 to 8 November 2013.

The Inter-Agency Commission is grateful to Ms. Giammarinaro for her positive assessment of Uzbekistan's efforts to strengthen the institutional and legislative framework to prevent and combat trafficking in human beings, the creation of a comprehensive model of social inclusion and protection that could be promoted throughout the OSCE region and the approval of a model that raises the central structure for combating trafficking in human beings to the highest level.

At the same time, the Inter-Agency Commission provides the following clarifications with respect to some questions regarding the countering of trafficking in human beings in Uzbekistan.

In particular, while sharing the Special Representative's view that a lack of employment opportunities remains one of the major causes of migration, the Inter-Agency Commission notes that Uzbekistan is taking serious steps to counter trafficking in human beings. These measures encompass a fairly wide range of issues and are not restricted merely to directly combating criminal activities, but are comprehensive and aimed at eliminating the causes and conditions for such crimes.

An extensive programme is being implemented in the country to ensure employment, particularly among young people. Job fairs, which are held regularly across the country, play a key role in this process.

For example, 1,282 job fairs were organized in 2013, and 987 have been organized this year. Annual job creation and employment programmes developed and submitted for consideration by the Oily Majlis have also been adopted by the Cabinet of Ministers of the Republic of Uzbekistan.

The goal of these programmes is to increase employment, salaries and the standard of living, ensure effective use of the country's potential and sectors of the economy to foster the demand for labour on the employment market, and increase the responsibility of the Council of Ministers of the Republic of Karakalpakstan and regional, city and district khokimiyats (authorities) for job creation and practical solutions to increasing employment.

During the implementation of the 2013 State Programme for Job Creation and Employment, for example, 970,900 jobs were created across the country, 60.3 per cent of them were in rural areas. Under the 2014 Programme, 983,600 new

jobs were to be created. A total of 854,700 new jobs were created in the first ten months of 2014.

In implementing the Programme, special attention will be paid to the employment of graduates of educational institutions. In 2014 there were plans to employ around 500,000 graduates of vocational colleges in the jobs created under the Programme and in vacant and reserved positions. A total of 414,700 graduates had found employment by 1 November 2014.

In the report the Special Representative suggested that the Government of Uzbekistan should include multidisciplinary entities (such as NGOs and ministries) habilitated to decide who is a victim (in addition to identification by law enforcement agencies) and adopt more formalized procedures and definitions of the role and responsibilities of each entity involved.

The Inter-Agency Commission notes that an effective mechanism to locate and identify victims of trafficking and persons involved in trafficking in human beings has been established in Uzbekistan and is operating successfully as part of the process of prevention, investigation and prosecution.

The following mechanisms are widely used to locate and identify victims of trafficking:

- Customs officers and border guards speak to citizens of the Republic of Uzbekistan when they cross the State border to check that they are not being trafficked. Employees of the Ministry of Internal Affairs and National Security Service agencies do the same with Uzbek citizens arriving from foreign countries, including those who have been deported, to establish whether there are indications of human trafficking;
- Reports are received from the Ministry of Health and the Ministry of Labour and Social Protection, the highest public body to which victims of human trafficking can turn when they arrive (or are deported) from foreign countries, and from non-governmental non-profit organizations (NGOs) involved in combating trafficking in human beings;
- Reports are received from women's committees, branches of the Kamolot Social Youth Movement and the Makhalla Charitable Foundation on the results of preventive measures carried out in co-operation with government representatives in the field, internal affairs agencies and the job placement centres of the main directorates for employment and social protection at local assemblies;
- Reports are received from the Ministry of Foreign Affairs and from embassies and consulates of the Republic of Uzbekistan in foreign countries, also as a result of co-operation by law enforcement agencies with national and foreign NGOs and other interested competent agencies in foreign countries;

- Information on victims of trafficking and persons involved in the commission of such crimes obtained via the Ministry of Internal Affairs hotline and also from individual NGOs like Istiqbolli Avlod is collected and analysed.

Furthermore, attempts are made during initial enquiries and investigations to locate and identify victims of trafficking in human beings.

At the Inter-Agency Commission's initiative and with the participation of the Istiqbolli Avlod social educational centre, 280 citizens have been provided assistance in returning home.

Regarding the points in the Special Representative's report on assisting and protecting trafficking victims and providing them with free legal counselling from the very beginning, the Inter-Agency Commission explains that particular attention is paid in Uzbekistan to the legal protection of victims of trafficking, their psychological, medical and vocational rehabilitation, job placement and other social protection issues. The law provides for assistance to and protection of victims of trafficking by specialized State institutions.

In particular, under the Anti-Trafficking Law, specialized institutions are established by the Cabinet of Ministers of the Republic of Uzbekistan to provide assistance and protection to victims of trafficking, and social rehabilitation for victims is financed by the State budget and other sources not prohibited by the law. There is also provision for a special procedure to assist child victims of trafficking.

Persons identified as victims of trafficking are entitled to accommodation in a rehabilitation centre. In accordance with the Regulations on the National Rehabilitation Centre to Assist and Protect Victims of Trafficking in Human Beings approved by Cabinet of Ministers Decision No. 240 of 5 November 2008, victims of trafficking are placed in the centre of their own free will and on the basis of a joint decision by the centre director and representatives of the charitable foundation and victim protection services. On written request, they are also entitled to leave the centre of their own free will.

However, none of the anti-trafficking NGOs currently operating in Uzbekistan have shelters to assist and protect victims of trafficking.

Furthermore, in accordance with Article 10 of the Anti-Trafficking Law, victims of trafficking are provided with social rehabilitation to enable them to return to a normal way of life, primarily in the form of free legal aid, along with psychological, medical and vocational rehabilitation, job placement, and temporary accommodation.

Social rehabilitation of victims of trafficking is funded from the State budget of the Republic of Uzbekistan and other sources not prohibited by law.

The Inter-Agency Commission agrees with the report's points on the criminal law response being crucial for deterrence and prevention and the need to continue to train all relevant officials to increase the criminal justice response. As for the suggestion of monitoring and analysing the case-law to identify potential gaps in the

interpretation of the legislation, particular attention is paid in Uzbekistan to the elaboration and adoption of documents establishing procedures for co-operation between law enforcement agencies and their subdivisions and with other organizations in the detection, investigation and prosecution of cases of trafficking in human beings.

With regard to questions arising from the application of anti-trafficking legislation and with a view to establishing uniform judicial practice for the examination of such cases, Decision No.13 on judicial practice in trafficking in human beings was adopted on 24 November 2009 by the Plenum of the Supreme Court of the Republic of Uzbekistan.

The Plenum decision provided clear delineation of the concept of “trafficking in human beings” and clarification for investigative bodies and courts as regards the classification of such an act when investigating or examining cases of this kind.

Furthermore, in 2009 guidelines on the investigation of criminal cases related to trafficking in human beings were elaborated by the Ministry of Internal Affairs, and a joint instruction adopted on 18 March 2013 by the Inter-Agency Commission together with a number of State bodies, law enforcement agencies and community organizations on ensuring the recovery and employment of persons recognized under the established procedure as victims of trafficking. In addition to the above, in 2013 a set of documents entitled International Agreements and National Legislation on Combating Trafficking in Human Beings edited by the Prosecutor General was published.

The relevant officials and employees of State authorities in Uzbekistan directly involved in combating trafficking in human beings receive structured training.

Training events are usually held in accordance with the schedule for training exercises for the responsible secretaries of the Inter-Agency Commissions on Combating Trafficking in Human Beings, who are deputy operational heads of city/district internal affairs departments. As part of the advanced training courses of the Office of the Prosecutor General and in the framework of the implementation of project documents with offices of international organizations (the OSCE, the United Nations Office on Drugs and Crime and USAID), training events (seminars, training sessions, round tables and conferences) are also held in Uzbekistan with the participation of prosecutors, investigators and judges.

In 2013, there were 6 seminars, 3 round tables, 3 conferences and 13 training sessions dealing with the organization of anti-trafficking measures, methods and techniques of trafficking prevention, an improved mechanism for providing assistance to victims of these crimes and law enforcement practice.

In accordance with the Law on the Prosecutor’s Office and corresponding orders by the Prosecutor General, the prosecution services oversee application of the law in police investigation of crimes, initial inquiries and pre-trial investigations in criminal cases related to trafficking in human beings. In addition, judicial and investigative practice in criminal cases involving trafficking in human beings is

periodically analysed and collated, and prosecutors study the legality and justification of sentences in these criminal cases. It should be emphasized in particular that this category of criminal cases examined in the courts is specifically monitored by the prosecution services, and prosecutors are always involved in the consideration of these cases in courts.

In the report the Special Representative calls on the authorities to co-operate with NGOs in a formalized procedure and allocate them long-term funding so that they can significantly contribute to victims' identification and assistance. Likewise, she recommends that the authorities should support and facilitate NGOs' registration as non-profit organizations.

The Inter-Agency Commission explains that one of the main principles of countering trafficking in human beings in Uzbekistan is the social partnership reflected in Article 4 of the Anti-Trafficking Law.

Article 8 of the Law contains norms for the provision of assistance to State anti-trafficking bodies by citizens' self-government bodies, NGOs and citizens together with the government and local authorities.

In accordance with Presidential Decision No. 911 of 8 July 2008 on measures to more effectively combat trafficking in human beings, NGOs such as the Women's Committee of the Republic of Uzbekistan, the Makhalla Charitable Foundation, the Central Council of the Kamolot Social Youth Movement and the Ijtimoiy Fikr Centre for the Survey of Public Opinion are included in the Inter-Agency Commission on Combating Trafficking in Human Beings, and their regional subdivisions are members of the regional inter-agency commissions.

Furthermore, the heads of the Istiqbolli Avlod NGO network, which works to combat trafficking in human beings across the country, are members of the regional inter-agency commissions, and the Isenim NGO is a member of the regional inter-agency commission of the Republic of Karakalpakstan.

Co-operation with NGOs involved in combating trafficking in human beings also takes place through the implementation of project activities.

For example, NGOs are partners of Uzbekistan's State authorities in the implementation of project documents together with the offices of international organizations: with the OSCE Project Co-ordinator and the Regional Office of the United Nations Office on Drugs and Crime in Central Asia, and with the United States embassy in Uzbekistan as part of Amendment No.9 signed on 18 September 2013 to the Agreement on Narcotics Control and Law Enforcement Assistance of 14 August 2001. At the same time, State agencies participate in the implementation of projects carried out by the Istiqbolli Avlod NGO in co-operation with USAID: Reintegration of Victims of Trafficking in Human Beings and Countering Trafficking in Human Beings in Central Asia (with the support of the International Organization for Migration).

Steps are being taken in Uzbekistan to further increase the social and socio-economic activity of NGOs and other civil society institutions, to strengthen

their role and significance in the implementation of reforms to democratize and modernize the country, to develop the system of NGOs and to improve and simplify organizational and legal mechanisms and procedures connected with the establishment and organization of their activities.

In particular, the Presidential Decision of 12 December 2013 on additional measures to facilitate the development of civil society institutions, reduced from 1 January 2014 the State duty imposed on the State registration of NGOs to a fifth of the former level and the scale of the fees charged for the State registration of their logo by a factor of 2.5.

In addition, State duty is no longer imposed on the State registration of NGOs (offices and branches), including corporations, registered in the Republic of Uzbekistan. Applications for the State registration of NGOs will be considered by the judicial authorities within one month instead the two months provided for in the current laws and regulations.

In accordance with this Decision, the Ministry of Justice is taking steps to ensure effective monitoring of the observance by the central government and local authorities of the rights and legitimate interests of NGOs enshrined in the laws and international agreements of the Republic of Uzbekistan.

Ten anti-trafficking NGOs are currently operating in the country. These NGOs are registered with the Ministry of Justice as non-governmental non-profit organizations.

Between 2010 and 2014, 8 NGOs were allocated a total of 249.2 million som in support of 16 projects, which were distributed through the State procurement of services and grants.

In conclusion, the Inter-Agency Commission notes that it will continue to make every effort to combat trafficking in human beings at the national and international level and expresses its interest in further co-operation with the OSCE in carrying out international projects and measures in this area.

National Inter-Agency Commission on Combating Trafficking in Human Beings

ANNEX II

Bodies and organizations met during this visit:

- **The Prosecutor General (Head of the Inter-Agency anti-trafficking Commission), Mr. Rashidjon Kadyrov**
- **The First Deputy Minister of Labour, Mr. Batir Alimukhamedov**
- **The Deputy Minister of Justice, Mr Usmanov**
- **The Director of the Department for UN and International Organizations (Ministry of Foreign Affairs), Ambassador Dilshod Akhatov, and First Secretary, UN and International Organizations Department, Mr Rustamdjan Khakimov**
- **The Head of the Department for Human Rights Protection (Ministry of Internal Affairs), Mr. Ilkhom Turgunov, and the Deputy Head of Department for Criminal Investigations and Combatting Terrorism, Mr T. Nurmukhamedov**
- **The Chair of the Council of the Federation of Trade Unions of Uzbekistan, Mrs. Tanzila Narbaeva**
- **The Chairperson of the Women’s Committee, Mrs. Elmira Basitkhanova**
- **The Acting Chairperson of the Judicial Collegium on criminal cases at the Supreme Court, Mr. Gairat Hidoyatov**
- **Representatives of the Defence and Security Committee, at the Parliament (lower chamber)**
- **Representatives of the Senate**
- **Representatives of the Regional Inter-Agency Commission in Samarkand**
- **International organizations and bilateral representations**
- **Representatives of civil society institutions**
- **The Special Representative also visited the State Rehabilitation Shelter in Tashkent.**