

## Support to Criminal Justice Reform in Uzbekistan Final Report

Project Fiche	
<b>Project/Sub-programme Number</b>	XAC/Z61
<b>Title</b>	Support to Criminal Justice Reform in Uzbekistan
<b>Duration (years/months)</b>	November 2018 – November 2020 With no-cost extension until Dec.2021 (37 months in total)
<b>Starting Date</b>	November 2018
<b>Location(s)</b>	Uzbekistan
<b>Responsible Office</b>	UNODC Regional Office for Central Asia
<b>UNODC Regional / Country or Thematic Programme Outcome to which this programme/project directly contributes</b>	UNODC Program for Central Asia 2015-2021 Sub-Program 2 “Criminal Justice, Crime Prevention and Integrity”
<b>Executing Agency</b>	UNODC
<b>Government Implementing Agency/Partners</b>	General Prosecutor’s Office, Ministry of Interior, Chamber of Advocates and other relevant stakeholders
<b>UNODC Overall Budget</b>	USD 510,000
<b>Donor(s)</b>	US State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL)

### 1. Introduction

The INL-funded project “Support to Criminal Justice Reform in Uzbekistan” was implemented within the framework of Sub-Program 2 “Criminal Justice, Crime Prevention and Integrity” of the UNODC Program for Central Asia 2015-2021 (XAC/Z61).

The project aimed to support establishment of a more effective, humane, transparent, and accountable criminal justice system in Uzbekistan through the provision of legal and expert advice on the development of new criminal legislation in line with international standards.

The project completed its work during the period from November 2018 to December 2021 (37 months). This included the initial implementation period of 2 years and a non-cost extension after the COVID-19 pandemic.

Key project results can be summarized as follows:

- Amendments to criminal legislation and 2 relevant policies for criminal justice reform adopted. Key guarantees provided for include a preliminary hearing, ensuring the rights of suspects and defendants, adherence to the adversarial principle, limiting the scope of investigative powers, calculating detention time from the moment of actual arrest (before

only from the time of bringing the suspect to the police station) and access to defense counsel prior to the first interrogation.<sup>1</sup>

- 8 laws and policies drafted: Criminal Code, Code on Administrative Offenses, Criminal Procedure Code, Criminal Executive Code, Law on Probation, Strategic Concept for Bar Reform, Law on Free Legal Aid, Law “On Prosecutorial Bodies”.
- 10+ Commentaries and recommendations on criminal justice reform, independence of the legal profession, judicial control over investigations, criminalization of organized crime, trafficking in persons, corruption, torture, and other issues developed and shared with national partners.
- 20+ expert meetings and public hearings organized to present commentaries and provide expert advice on criminal legislation.

## **2. Activities implemented and results achieved**

The project focused on 3 interrelated outputs:

- State authorities have expertise and capacity to design and implement criminal legislation in line with international standards.
- The Supreme Court and other stakeholders gain knowledge and skills to ensure judicial oversight over criminal investigations.
- The Chamber of Advocates improves its management capacity to regulate the legal profession, serve its members, provide continuing legal education, and promote legal aid.

The project started towards the end of 2018 after the adoption of various Presidential decrees aimed at improving criminal and criminal-procedural legislation and enhancing efficiency and independence of the bar. UNODC had supported discussions on these decrees and at the start of the project published 4 related analytical papers (see annex for all project publications).

### **Output 1 – Criminal legislation**

Under the first output, in 2019, the project supported the interdepartmental working groups established under the auspices of the General Prosecutor’s Office to develop draft new Criminal, Criminal Procedure and Criminal Executive Codes. This started with a one-week out-of-town working session for the working group on the Criminal Code in January 2019 (jointly with Regional Dialogue). Two international experts with expertise on classification of crimes and misdemeanors, system of punishment and probation participated. A mission of an international expert was organized in March 2019 to support the working groups further. This resulted in agreement on the structure of the new Code (initially with two separate headings for crimes and misdemeanors).

In April 2019, the project conducted a roundtable on criminal legislation with 2 experts present and 2 attending online. This was followed by an out-of-town working session for the working group on the Criminal Procedure Code. During this period, the project participated in 3 meetings of the Working Group on the Criminal Executive Code. An expert mission was organized in June 2019 to provide input to the discussions on new criminal legislation with a focus on provisions related to the criminalization of corruption. Another roundtable and additional working meetings were held to review and discuss the first drafts of the Criminal Code and Criminal Procedural Code with the participation of three international and two national experts.

Based on the inputs and guidance provided, the first drafts of the new Criminal Code and Criminal Procedure Code were completed and prepared for submission to the Presidential Administration in

---

<sup>1</sup> Presidential Decree # 6034 of 24 July 2020 “On Additional Measures for Further Improvement of Courts’ Activities and Increasing the Efficiency of Justice”. Presidential Decree # 6041 of 10 August 2020 “On Measures to Further Strengthen Guarantees for the Protection of Individual Rights and Freedoms in Judicial and Investigative Activities”. Law “On Amendments to the Criminal Code and Criminal Procedure Code” 18 February 2021.

early July 2019. The project supported the GPO Academy to develop a brochure with explanations on the proposed changes in the Criminal Code.

Key proposed changes at this stage included: introduction of plea bargaining, criminal liability for legal entities (companies and organizations), provisions on the use of probation as an alternative form of punishment, decriminalization and depenalization of some offenses, steps to make Uzbekistan's justice system more adversarial by expanding judicial control over search and arrest warrants.

During the second half of 2019, work started on the draft new Criminal Executive Code. For this purpose, the project facilitated expert discussions with the related working group and a 1-day roundtable in cooperation with GPO and MOI (July 2019).

Following completion of the first draft of the Criminal and Criminal Procedure Code new working groups were created to further review the codes during the second half of 2019. The project produced a series of expert commentaries to support the work during this period. The project also facilitated an expert mission and a 2-day roundtable in cooperation with the GPO and the State Law University to facilitate the work on the Criminal Executive Code (November 2019).

In 2020, work on new criminal legislation focused on 4 draft codes (Criminal Code, Criminal Procedure Code, Criminal Executive Code, Code on Administrative Offenses). The project produced expert commentaries and inputs on organized crime, trafficking in persons, corruption, and torture related provisions. These were discussed at several events, including a roundtable for about 45 participants representing the President's Administration, law enforcement agencies and academic institutions to discuss the issues of crime classification, complicity in criminal law, the system of sentencing, issues related to cybercrime in the new draft Criminal Code in Q1 of 2020.

In the summer of 2020, the project organized an online roundtable discussion "Perspectives of the Development of Criminal Executive Legislation in Uzbekistan" for 27 participants – prosecutors, staff of the Prison Service, Probation Service, Ombudsman's Office, National Human Rights Center, experts from Latvia, Kazakhstan and Kyrgyzstan. During this period, the project facilitated expert meetings to discuss corruption and torture related articles of the new draft Criminal Code, as well as another online roundtable discussion on criminal executive legislation towards the end of 2020 ("Issues of ensuring the correct enforcement of criminal executive legislation and improvement of law enforcement practice") with 45 participants – prosecutors, staff of the Prison Service, Probation Service, Ombudsman's Office, National Human Rights Center, experts from Kazakhstan and Ukraine.

In Q1 of 2021, the draft Criminal Code was published on the governmental web-portal for public discussion. During this final period, the project facilitated a seminar on promoting effective use of alternatives to imprisonment (June 2021) with 22 participants. The project translated the draft Criminal Code into English and prepared an expert analysis on the compliance of the draft with international norms and standards in the area of human rights and criminal procedure. This was done in partnership with other UN agencies under the umbrella of the UN Country Team. The commentary was officially submitted to the authorities by letter of the UN Resident Coordinator in the summer of 2021.

At the end of 2021, the project produced a commentary on the draft law on probation, which was published for public discussion. The commentary was submitted to and discussed with the Prosecutor's General Office and its Academy.

## **Output 2 – Judicial and prosecutorial oversight**

Under output 2, in 2019, the project contracted several international, regional, and national experts to prepare legal commentaries. During expert missions, these experts discussed legislative measures

to strengthen judicial control over criminal investigations (in particular as part of the June 2019 roundtable mentioned above).

This resulted in an analytical paper on judicial control over criminal investigations, which was finalized and submitted to the authorities in 2019.

In 2020, the project facilitated an online expert roundtable with 45 participants representing members of the parliament of Uzbekistan and judges, legal experts from Germany, Ukraine, Russia to discuss legal defense in pre-trial proceedings and the need for an investigative judge.

An online discussion of the new draft Criminal Procedure Code of Uzbekistan was facilitated with participation of the GPO-led expert working group. Best practices in introduction of “plea agreements” into the criminal procedure were presented.

UNODC also partnered with the Tashkent State Law University to organize an online seminar “Issues of strengthening the individual rights’ guarantees in judicial and investigative activities”, during which a project expert presented international best practice on judicial control at the pretrial stage of the criminal process.

Towards the end of the project, the project co-organized the Eighth Expert Forum on Criminal Justice for Central Asia with OSCE and the Supreme Court of Uzbekistan (24-25 November 2021). At the forum many issues raised during the project were discussed, such as pre-trial investigations, due process and right to security of the person, ensuring fair trial standards during health emergencies, ensuring independence of the legal profession, and promoting penitentiary reforms, especially promotion of alternatives to imprisonment.

During the second half of 2021, the project supported a group of national and international experts, which worked together to prepare a draft new edition of the law “On prosecutorial bodies”. For this purpose, the project supported development of analytical materials, including a policy document on longer-term institutional development of prosecutorial bodies in Uzbekistan. In addition, the Concept of further institutional development of the prosecutorial bodies of Uzbekistan was prepared and delivered to national partners.

The analytical materials were presented during an international conference "Prosecutor's Office of Uzbekistan: yesterday, today and tomorrow" (held in December 2021), which gathered over 100 experts and policymakers from different countries and international organizations. Discussions related to the effective implementation of prosecutorial functions, rebalancing the authorities of prosecutors, judicial bodies and defending lawyers within the process of criminal investigation and litigation.

The project also supported development of infographics on crime trends and provided expert support to develop a methodology for criminological research on key issues that could feed into legislative development and improvement of related practices. As priorities the GPO Academy identified the application of alternatives to incarceration, development of probation and functioning of correctional labor as a form of punishment.

### **Output 3 – Development of the Bar association and legal aid**

From 2018 onwards, the project supported discussions on the development of a new law on legal aid. For this purpose, the project partnered with the Chamber of Lawyers, Ministry of Justice, UNDP, and USAID to host a round table discussion on the draft law (April 2019).

The project developed an analytical paper on the role of legal defense in criminal proceedings, which was used during public discussions in 2019 and fed into the drafting process for the Criminal Procedure Code in particular.

During the second half of 2019, the authorities established a working group to develop a strategic concept on the development of the bar association. To support this process, the project organized a seminar for 25 defense lawyers at the Chamber of Lawyers on international standards for the legal profession. Discussions focused on the regulation of the legal profession in democratic countries, implementation of international standards in the legislation of Uzbekistan, as well as issues related to disciplinary proceedings against lawyers, access to the profession, continuous education, professional ethics, and disbarment.

In early 2020, the project organized a workshop for over 25 criminal justice practitioners, academics, national and international experts to discuss the draft new Criminal Procedure Code of Uzbekistan with emphasis on the right to defense. The project presented the Russian version of the UNODC Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes as a practical tool with promising practices that Uzbekistan could build on in developing its legal aid system.

During this period, the project coordinated a consortium of UNODC, OHCHR, ICJ and OSCE to develop a joint commentary on the draft concept for the development of the bar association.

The project participated in the online seminar “Institutional and functional independence of the Chamber of Advocates – international standards and foreign experience”, which focused on the functioning of bar associations in different countries and discussed current problems in the functioning of Uzbekistan’s Chamber of Lawyers.

In the course of 2020, the project supported the expert group of defense lawyers who held regular meetings at the premises of the Chamber of Lawyers and on messenger platform and worked on the draft legislative documents pertaining to bar reform.

The project developed an expert commentary on the draft Law on Free Legal Aid, which remained under public discussion in 2020. The project organized an online roundtable with the Chamber of Advocates and the Ministry of Justice gathering over 35 defense lawyers, law universities and civil society to discuss the draft law (Q4 2020). In 2021, the project updated its commentary after the draft law “On free legal aid” was published for public consultations.

In 2021, the project supported the International Law Forum “Tashkent Law Spring” with a session led by the Chamber of Advocates on bar reform to promote the issues of independence of the legal profession and quality of legal aid with the participation of a UNODC expert (with Regional Dialogue in April 2021 with approximately 100 participants, half in person and half online).

The project also provided technical assistance to the Chamber of Advocates in the form of 2 TV screens (which together with equipment provided by Regional Dialogue) allows the Chamber to organize online training and consultations and improve its training and meeting facilities. The project also provided the Chamber with 2 professional video cameras to produce video lessons and otherwise support capacity building of lawyers by the Chamber.

### **3. Lessons learned and follow-up**

Concepts for criminal justice reform adopted by presidential decree in 2018 created momentum for the project to support expert working groups developing new criminal legislation. Due to the COVID-19 pandemic and related economic woes, as well as diverging positions on the direction of

reforms within the political establishment and law enforcement bodies, the process became less transparent and lost pace after 2019. Criminal justice reforms nevertheless remain a policy priority that is part of Uzbekistan’s core development policies (e.g. the New Uzbekistan strategy adopted as orientation for the second term of the President Mirziyev).

In this context, it is recommended to look for strategic entry points for engagement on criminal justice reforms:

- There is strong interest from the GPO to cooperate on criminological research and crime data collection. This can be used to analyze trends, make recommendations and feed into further progressive development of criminal legislation in line with international standards. The project’s pilots with the production of infographics and development of a methodology for criminological research can be further used for this purpose.
- Digitalization in the criminal justice sector is a priority for the authorities. Sharing best practices in this area can offer opportunities to advance reforms aimed at enhancing guarantees for fair trials, transparency, and accountability in the justice sector. Capacity development on intelligence led policing can be promoted.
- The GPO reached out to UNODC to support discussions on the long-term vision for the functioning of the prosecution in Uzbekistan. A draft law on prosecution services was developed. This could be further supported.
- The law on probation entered the parliamentary process and was approved in the first readings in 2022. There is commitment from the authorities to invest in capacity development to build a more professional probation service to work with offenders, implement non-custodial sanctions, promote social reintegration and prevent recidivism.
- The draft law on free legal aid was published for public consultations and if adopted will require significant support to ensure implementation. This could be further supported.
- The authorities have placed increased emphasis on crime prevention and public safety in recent years. This is an opportunity to offer capacity development on community policing. UNODC has been working with the MOI and the Police Academy on this, conducting training for new cadets and neighbourhood and juvenile inspectors in various regions. For this purpose UNODC conducted a needs assessment and issued a related report, which can be used for further work to promote police modernization and advocate for community and intelligence-led policing.

## Annex – Publications

The following project publications are available.

1	Criminal justice reforms in Uzbekistan: Brief analysis and recommendations (English) <a href="https://www.unodc.org/documents/centralasia//2018/UNODC_Criminal_justice_reforms_in_Uzbekistan_Apr_2018_EN.pdf">https://www.unodc.org/documents/centralasia//2018/UNODC_Criminal_justice_reforms_in_Uzbekistan_Apr_2018_EN.pdf</a>
2	Proposals for the concept on developing criminal and criminal procedure legislation in Uzbekistan (Russian) <a href="https://www.unodc.org/documents/centralasia//2018/UNODC_Crim_Justice_Uzb_Background_Paper_June_2018_RU.pdf">https://www.unodc.org/documents/centralasia//2018/UNODC_Crim_Justice_Uzb_Background_Paper_June_2018_RU.pdf</a>
3	Analysis of the Criminal Executive Code of Uzbekistan – Proposals and recommendations (Russian) <a href="https://www.unodc.org/documents/centralasia//2018/UIK.pdf">https://www.unodc.org/documents/centralasia//2018/UIK.pdf</a>
4	Proposals for the concept on developing criminal executive legislation in Uzbekistan (Russian) <a href="https://www.unodc.org/documents/centralasia//2018/draft_UIZ.pdf">https://www.unodc.org/documents/centralasia//2018/draft_UIZ.pdf</a>

5	Brochure – Overview of proposed changes in the Criminal Code (Russian)
6	Commentaries to draft criminal legislation produced in 2019 (Russian)
7	Commentaries to draft criminal legislation produced in 2020 (Russian) <a href="https://www.unodc.org/documents/centralasia//2020/June/Analytical_report_RU.pdf">https://www.unodc.org/documents/centralasia//2020/June/Analytical_report_RU.pdf</a>
8	Commentary on torture related provisions in the draft Criminal Code (Russian)
9	UNCT Commentary on the draft Criminal Code 2021 (English/Russian)
10	Analytical paper on judicial oversight over criminal investigations (Russian) <a href="https://www.unodc.org/documents/centralasia//2020/judicial_oversight_24.03.20.pdf">https://www.unodc.org/documents/centralasia//2020/judicial_oversight_24.03.20.pdf</a>
11	Analytical paper on the independence of lawyers and the role of legal defense in criminal proceedings (Russian) <a href="https://www.unodc.org/documents/centralasia//2020/Independence_paper_24.03.20.pdf">https://www.unodc.org/documents/centralasia//2020/Independence_paper_24.03.20.pdf</a>
12	Policy document on longer-term institutional development of prosecutorial bodies in Uzbekistan (Russian)
13	Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes (Russian) <a href="https://www.unodc.org/documents/centralasia//2020/September/25.09/Quality_Legal_Aid_RU.pdf">https://www.unodc.org/documents/centralasia//2020/September/25.09/Quality_Legal_Aid_RU.pdf</a>
14	Commentary on the draft concept for the development of the bar association (Russian) <a href="https://www.unodc.org/documents/centralasia//2020/December/Suggestions_and_Comments_on_Bar_reform_RUS.pdf">https://www.unodc.org/documents/centralasia//2020/December/Suggestions_and_Comments_on_Bar_reform_RUS.pdf</a>
15	Commentary on the draft law on free legal aid (Russian) <a href="https://www.unodc.org/documents/centralasia//2022/Publications/UNODC_analysis_on_Free_Legal_Aid-ru.pdf">https://www.unodc.org/documents/centralasia//2022/Publications/UNODC_analysis_on_Free_Legal_Aid-ru.pdf</a>
16	Commentary on the draft law on probation (Russian)
17	Infographics on crime trends in Uzbekistan (English/Russian)
18	Eighth Expert Forum on Criminal Justice for Central Asia (English/Russian) <a href="https://www.osce.org/odihr/535719">https://www.osce.org/odihr/535719</a>
19	Methodology for Criminological Research on non-custodial sanctions (Russian)
20	Web stories on the project: <a href="#">UNODC Supports Criminal Justice Reforms in Uzbekistan</a> <a href="#">UNODC Promotes Crime Prevention and Public Safety in Uzbekistan</a> <a href="#">Uzbekistan Presents Draft New Criminal Executive Code</a> <a href="#">Towards a new Criminal Procedure Code – UNODC, Tashkent State Law University Partner to Promote Discussion on Judicial Control, Equality of Arms and Access to Quality Legal Aid in Uzbekistan</a> <a href="#">UNODC issues legal analysis on independence of lawyers in Uzbekistan</a> <a href="#">UNODC issues analytical report on judicial control at the pretrial stage in Uzbekistan</a> <a href="#">UNODC Promotes Decriminalization and Alternatives to Imprisonment in Uzbekistan</a> <a href="#">UNODC issued analytical report with recommendations on the implementation of international law in the new edition of the Criminal Code of the Republic of Uzbekistan</a> <a href="#">UNODC and Partners Mark Nelson Mandela Day in Uzbekistan: A Focus on Torture Prevention and Penal Reform</a> <a href="#">UNODC publishes Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes in Russian</a> <a href="#">UNODC and the Chamber of Advocates Sign Joint Work Plan to Strengthen the Legal Profession in Uzbekistan</a> <a href="#">Draft New Code on Execution of Criminal Punishments Aims to Enhance Human Rights Protection of Prisoners, Increase Focus on Social Rehabilitation and Reduce the Prison Population in Uzbekistan</a> <a href="#">OSCE/ODIHR, UNODC and OHCHR Conduct Online Criminal Justice Dialogue in Central Asia</a> <a href="#">Expert Commentary on the Draft Strategic Concept to Strengthen Independence of Lawyers and Facilitate Reform of the Bar in Uzbekistan Now Online</a>

