



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: UZBEKISTAN

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2000-2002 and 2004 Annual Reviews (ARs) and no change report for the 2007 AR.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Chamber of Commerce and Industry of Uzbekistan (CCIU) and the Federation of Trade Unions of Uzbekistan (FTUU) and the Executive Committee of the Federation of Trade Unions of Uzbekistan (CFTUU) and through communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the Chamber of Commerce and Industry of Uzbekistan (CCIU).	
	Workers' organizations	2008 AR: Observations by the FTUU. 2007 AR: Observations by the FTUU. 2006 AR: Observations by the FTUU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	<i>Uzbekistan ratified in 1992 the Right to Organize and Collective Bargaining Convention (No. 98) (C.98). However, it has not yet ratified the Right to Organize Convention, 1948 (No. 87) (C.87).</i>
		Ratification intention	Under consideration for C.87 2008 AR: The Minister informed us that the Labour Code of Uzbekistan took into consideration the provisions all ILO fundamental Conventions and a draft Law on Ratification of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) is expected to ratified very soon by the national Parliament after extensive consultations during which it had received the full support of other technical ministries and agencies and the employers' and workers' organizations. Ratification of the Freedom of Association and the Right to Organize Convention, 1948 (No. 87) will be considered. The CCIU supported ratification of C.87 and wishes to introduce international labour standards in the business. The FTUU also supported ratification of C.87.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES Article 56 of the Constitution relates to freedom of Association (FOA).</p> <p>2008 AR: According to the Federation of Trade Unions of Uzbekistan (FTUU): the right of citizens to join trade unions, political parties and other public voluntary organizations is enshrined in Article 34 of the Constitution.</p>	
		Policy, legislation and/or regulations	<p>• Legislation The Labour Code (1996), the Law on Voluntary Organizations in the Republic of Uzbekistan (1991), the Law on Trade Unions, their Rights and Guarantees of their Activities (1992) and the Law on Non-Governmental and Non-Commercial Organizations (1999) relate to the principle and right (PR).</p> <p>2006 AR: The Act on the Chamber of Trade and Industry of the Republic of Uzbekistan was passed on 3 December 2004.</p> <p>2003 AR: On 21 August 2001, the Government adopted Resolution No. 347 on the «Development of Registration of Organizations and Enterprises».</p>	
		Basic legal provisions	(i) Constitution (articles 34, 56 and 59); (ii) the Labour Code (1996), (iii) the Law on Voluntary Organizations in the Republic of Uzbekistan (1991); (iv) the Law on Trade Unions, their Rights and Guarantees of their Activities (1992); (v) the Law on Non-Governmental and Non-Commercial Organizations (1999); and (vi) the Administrative Code.	
		Judicial decisions	NIL	
	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	<p>2005 AR: Government authorization is not required to establish employers' organizations.</p> <p>2003 AR: Prior government authorization is required to establish an employers' organization. FOA can be exercised at enterprise, sector/industry, and international levels by all categories of employers.</p>

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Workers	<p>2005 AR: Government authorization is not required to establish workers' organizations.</p> <p>2003 AR: Prior government authorization/approval is required to establish a workers' organization.</p> <p>The PR can be exercised at enterprise, sector/industry, and international levels (only FOA can be exercised at national level) by the following categories of persons: (i) all workers in the public service; (ii) medical professionals; teachers; (iii) agricultural workers; (iv) workers engaged in domestic work; (v) workers in export processing zones (EPZs) or enterprises/industries with EPZs status; (vi) migrant workers; (vii) workers of 14 years old and over.</p> <p>Only workers in the informal economy are not recognized as having such rights.</p>
			Special attention to particular situations	2003 AR: According to the Government: Women.
			Information, data collection and dissemination	<p>According to the Government: There is a lack of information and data.</p> <p>2008 AR: According to the FTUU: Fourteen regional agreements are currently in effect in the provinces and in the city of Tashkent. In the different economic sectors, there are 77 national sectoral agreements and 605 regional sectoral agreements. Collective agreements have been adopted in more than 178,000 enterprises, covering some 5,350,000 workers.</p>
		At international level	According to the Government: There are no particular restrictions for the international affiliation of employers' and workers' organizations.	
	Monitoring, enforcement and sanctions mechanisms	<p>2005 AR: According to the Government: Where FOA has not been respected, section 49 of the Administrative Code provides for a penalty such as a fine.</p> <p>2003 AR: According to the Government: The following measures have been implemented in order to realize the PR: (i) legal reform (labour law and other relevant legislation); (ii) inspection/monitoring mechanisms; (iii) penal, civil or administrative sanctions.</p>		
Involvement of the social partners	<p>2008 AR: The FTUU indicated that it has been undertaking joint measures in cooperation with the Ministry of Labour and Social Protection of the Population to act jointly with a view to regulating the labour market processes. It further adds that in recent years, the FTUU has made more than 300 proposals in the process of the drafting of 60 Bills and the majority of these proposals were adopted. Moreover, the trade unions are currently involved in the drafting of laws to strengthen the mechanism for enforcing citizens' rights and social guarantees. These laws include: (i) the Law on State social insurance against occupational injuries and diseases; (ii) the Law on Medical Insurance; (iii) the Law on the Social Protection of the Population; and (iv) a new version of the Law on Trade Unions.</p> <p>2005 AR: According to the Government: Tripartite discussions on specific measures to respect, promote and realize the PR have been held.</p>			
Promotional activities	<p>2008 AR: According to the CCIU: Freedom of association is also promoted among the small and medium enterprises (SMEs). Moreover, during several workshops on the FPRW, the issue of collective bargaining was tackled so as to allow supervisory action by employers' and workers' organizations. In addition, an Inter-Eurasian Trade Unions Conference on Labour Migration was held in October-November 2006, where the FTUU mentioned its intensive activity on the monitoring of child labour as a result of the integration of child labour provision in collective agreements.</p>			

		<p>The FTUU indicated that training on workers' rights and obligations are organized on a regular basis with a comprehensive approach. Schools located in the rural areas of the country are also given equipment and training.</p> <p>2005 and 2007 ARs: According to the Government: The following measures have been implemented: (i) capacity building of responsible government officials; (ii) training of other government officials; and (iii) capacity building for employers' and workers' organizations.</p>	
	Special initiatives/Progress	<p>2008 AR: According to the FTUU: 2007 was the year of social protection for workers and their families. Government support on this issue has increased. Moreover, it participates in the Monitoring Commission so as to see how the national programme is implemented and can also prepare a list of problems, make recommendations and consult the local authorities in order to take action. Credit unions also contribute to the PR by helping workers integrate the formal economy. Finally, fourteen regional agreements are currently in effect in the provinces and in the city of Tashkent. In the different economic sectors, there are 77 national sectoral agreements and 605 regional sectoral agreements. Collective agreements have been adopted in more than 178,000 enterprises, covering some 5,350,000 workers.</p> <p>2006 AR: In accordance with Presidential Decree No. 3453 of 7 July 2004, the Chamber of Manufacturers and Entrepreneurs was reorganized, which led to the establishment of the Chamber of Trade and Industry of Uzbekistan.</p> <p>2003 AR: According to the Government: A major change has been introduced in 2001 through the establishment of an easier registration process for organizations.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: There are no workers' organizations and the PR is not enjoyed in the informal economy.
		Workers' organizations	2007 AR: No particular challenges had been raised by the Council of the Federation of Trade Unions of Uzbekistan.
	According to the Government	2005 AR: According to the Government: There is a lack of capacity of responsible government institutions and employers' and workers' organizations.	
TECHNICAL COOPERATION	Request	<p>2008 AR: According to the CCIU: ILO technical assistance is required for capacity building of employers' in the SMEs.</p> <p>2003-2005 ARs: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Uzbekistan, in particular in the following areas, in order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications, for realizing the principle; awareness raising, legal literacy and advocacy; strengthening data collection and capacity for statistical analysis; sharing of experiences across countries/regions; training of other officials; strengthening capacity of employers' organizations; strengthening tripartite social dialogue, (2) capacity building of responsible government institutions; strengthening capacity of workers' organizations; (3) legal reform (labour law and other relevant legislation).</p>	
TECHNICAL COOPERATION	Offer	NIL	

<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted that some countries facing structural difficulties, such as Uzbekistan (and three other countries), were able to report with ILO assistance (Cf. Paragraph 25 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2003 AR: The IDEAs were encouraged to see the Government of Uzbekistan pointing out the needs in this country to strengthen the capacity building of workers’ and employers’ organizations and that it turned to the ILO for help. In light of requests by Uzbekistan for ILO cooperation in assessing the difficulties and implications for realizing the principle and right, they called upon the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field. (Cf. Paragraphs 73 and 74 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>