

**UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**71<sup>th</sup> Session of the UN Committee on Economic, Social and Cultural Rights,  
14 February to 4 March 2022**

**SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS TO THE UN COMMITTEE ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN VIEW OF THE EXAMINATION OF  
UZBEKISTAN'S THIRD PERIODIC REPORT UNDER ARTICLES 16 AND 17 OF THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

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## **Introduction**

1. During its 71<sup>st</sup> session, from 14 February to 4 March 2022, the UN Committee on Economic, Social and Cultural Rights (hereafter 'the Committee') will evaluate Uzbekistan's compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights (hereafter 'ICESCR' or 'Covenant'), including in light of the State party's third periodic report under Articles 16 and 17 of the Covenant. In this context, the International Commission of Jurists (ICJ) welcomes the opportunity to submit the present observations to the Committee.

2. This submission addresses the organization's concerns related to Uzbekistan's obligations to respect, protect and fulfil economic, social and cultural rights ('ESC rights'), including: access to justice in relation to ESC rights (Article 2.1); the State's obligation to ensure non-discrimination in access to ESC (Article 2.2); work-related rights (Articles 6 and 7); the right to an adequate standard of living (Article 11); and the right to the enjoyment of the highest attainable standard of physical and mental health (Article 12).

3. The submission is based on the ICJ's report "[Accessing Economic and Social Rights in Uzbekistan: An Analysis of Selected Laws and Practices](#)", published in March 2021.<sup>1</sup> The report considers aspects of Uzbekistan's implementation of ESC rights through laws and policies, as well as access to justice for those who allege that their ESC rights have been violated.

## **I. Access to justice for ESC rights (Article 2.1)**

### *Access to effective remedies*

4. For ESC rights to be effective and fully exercised and enjoyed in practice, they must not only be provided for in legislation and policy, but must also be accessible to all, on an equal basis.<sup>2</sup> Accessibility of rights requires access to information, and the dismantling of physical, administrative, economic or cultural barriers to accessing rights, as well as access to justice and effective remedies, including judicial remedies, to enforce these rights.<sup>3</sup> The obligation to protect ESC rights under international law therefore includes a duty to provide those who claim to be victims of rights violations with equal and effective access to justice and effective remedies,<sup>4</sup> including reparation.<sup>5</sup>

5. International law obligations to protect ESC rights engage the responsibility of all agents and organs of the State, including the courts, and the judicial system has an important role to play in ensuring that ESC rights are realized in practice, through the availability of effective judicial remedies for violation of these rights.<sup>6</sup> Such remedies should be effective, must be prompt, accessible, available before a competent, independent and impartial authority, and capable of leading to cessation of the violation and to reparation, if indeed violations occur.<sup>7</sup>

6. Despite a number of welcome legislative and administrative measures aiming at strengthening the independence of the judiciary in Uzbekistan, including the establishment of the Supreme Judicial Council as a specialized body of self-governance of the judiciary,<sup>8</sup> the Uzbek judiciary has not yet succeeded in becoming

<sup>1</sup> ICJ Report, "Accessing Economic and Social Rights in Uzbekistan: An Analysis of Selected Laws and Practices", March 2021, (hereinafter "ICJ Report") <https://www.icj.org/wp-content/uploads/2021/05/Access-to-justice-for-ESC-ENG-002.pdf>

<sup>2</sup> See for example: UDHR, article 7; ICCPR, article 26.

<sup>3</sup> The Right to a Remedy and Reparation for Gross Human Rights Violations, A Practitioners' Guide 2018, <https://www.icj.org/the-right-to-a-remedy-and-reparation-for-gross-human-rights-violations-2018-updateto-practitioners-guide-no-2/>, pp. 65-81.

<sup>4</sup> *Ibid.*

<sup>5</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Adopted and proclaimed by General Assembly Resolution 60/147 of 16 December 2005, Principle 3; CESCR, General Comment No. 9 (1998), The domestic application of the CovenantICESCR Covenant on Economic, Social and Cultural Rights in the context of business activities, E/C.12/GC/24, para. 39; CESCR, General Comment No. 20, Non-discrimination in economic, social and cultural rights, E/C.12/GC/20, 2 July 2009, para. 40.

<sup>6</sup> ICJ Report, page 76.

<sup>7</sup> The ICJ Declaration on Access to Justice and Right to a Remedy in International Human Rights Systems, 12 December 2012, <https://www.icj.org/wp-content/uploads/2013/02/Congress-Declaration-adoptedFINAL.pdf>, principle 5

<sup>8</sup> Opinion on the Law on the High Judicial Council of the Republic of Uzbekistan: JUD-UZB/327/2018, 1 October 2018, [https://www.legislationline.org/download/id/8079/file/327\\_JUD\\_UZB\\_1Oct2018\\_en.pdf](https://www.legislationline.org/download/id/8079/file/327_JUD_UZB_1Oct2018_en.pdf).

genuinely independent. It therefore remains unable to fully and effectively administer justice in line with the international standards on the role and independence of the judiciary and international human rights law.<sup>9</sup> The judiciary's lack of independence is enabled by the laws, structures and procedures of judicial administration, as well as by some inherited and deeply imbedded customs and practices that persist in the country.<sup>10</sup> The judiciary, in particular when compared to developments relating to the prosecutorial authorities, remains institutionally weak.<sup>11</sup> As the UN Special Rapporteur on the Independence of Judges and Lawyers confirmed, it remains the case that neither the institutional independence of the judiciary, nor the independence of individual judges, is yet adequately protected, either in law or in practice in Uzbekistan.<sup>12</sup> This lack of independence weakens the capacity of the judicial system to provide effective access to justice and remedies for violations of ESC rights.

7. In this regard, in general, the use of international law in the Uzbekistan justice system, remains weak and underdeveloped.<sup>13</sup> In practice, judges, prosecutors and lawyers continue to lack exposure and understanding of international law relating to ESC rights and usually do not apply these standards in their work directly.<sup>14</sup>

#### *Justiciability of ESC rights*

8. In Uzbekistan, ESC rights are in principle justiciable under national law.<sup>15</sup> For example, many aspects of the rights to housing, work and health, which are the focus of the ICJ's report, are already guaranteed by the country's domestic legislation. Therefore, in law their justiciability does not raise serious questions.<sup>16</sup> Yet, in practice, judicial enforcement of ESC rights is not always guaranteed, as some ESC rights are not seen as rights whose violation could or should be remedied through and by the courts.<sup>17</sup> This applies, for instance, to the possibility for a person to challenge the provisions of the law itself, claiming its incompatibility with the general provisions of the Constitution, or obligations to protect rights under international law.<sup>18</sup>

9. By way of example, under the law, national judicial remedies have the potential to address the right to just and favourable conditions of work in light of the international law.<sup>19</sup> However, no cases concerning judicial review of the national minimum wage or inadequate wages have been reported and reported cases related to the right to work in Uzbekistan mainly concern non-payment or timely payment of salaries.<sup>20</sup>

#### *COVID-19 and access to justice*

10. In response to the COVID-19 pandemic, Uzbekistan enforced a quarantine regime, relying for legal authority on the Law on Sanitary and Epidemiological Welfare of the Population.<sup>21</sup> On 29 January 2020, the President created a Special Commission on Preparation of a Programme of Preventive Measures Against Spread of the Coronavirus in Uzbekistan.<sup>22</sup> The Commission was charged with development and implementation of preventative measures in Uzbekistan.<sup>23</sup> Pursuant to certain documents, in particular, Presidential or Cabinet of Ministers' decrees, various measures were taken purportedly in response to COVID-19 pandemic, including certain restrictions on freedom of movement.<sup>24</sup>

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<sup>9</sup> ICJ Report, page 76.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> Special Rapporteur on the Independence of Judges and Lawyers on his visit to Uzbekistan, Preliminary Observations on the official visit to Uzbekistan, 19–25 September 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25043&LangID=E>

<sup>13</sup> ICJ Report, page 77.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*, page 15.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, page 77.

<sup>18</sup> *Ibid.*, page 16.

<sup>19</sup> *Ibid.*, page 69.

<sup>20</sup> Replies of Uzbekistan to the list of issues in relation to its third periodic report on implementation of the ICESCR, E/C.12/UZB/RQ/3, 13 November 2020, para. 103, In 2019, the State Labour Inspection examined 3,933 cases on violations of timely and full payment of wages to employees and in 2020, 2,023 cases; The Ministry of Innovative Development of the Republic of Uzbekistan, National innovation system modernization project, Labour Regulation Procedures Relationship, 2020, [https://mininnovation.uz/uploads/mininno/news/J/LMP\\_%d1%80%d1%83%d1%81.pdf](https://mininnovation.uz/uploads/mininno/news/J/LMP_%d1%80%d1%83%d1%81.pdf) para. 14.

<sup>21</sup> Decree of the President of the Republic of Uzbekistan, No R-5537, 29 January 2020, "On Establishment of the Special Commission on Preparation of a Programme of Preventive Measures Against Spread of the Coronavirus in Uzbekistan"; International Commission of Jurists, Briefing paper on the impact of anti-COVID-19 pandemic measures on access to justice in CIS countries, 2020. Frequently Asked Questions and Answers on Legal Issues, website of the Ministry of Justice, 2020, <https://www.minjust.uz/ru/press-center/news/98981/>.

<sup>22</sup> Decree of the President of the Republic of Uzbekistan, No R-5537, 29 January 2020, "On Establishment of the Special Commission on Preparation of a Programme of Preventive Measures Against Spread of the Coronavirus in Uzbekistan".

<sup>23</sup> *Ibid.*

<sup>24</sup> Law of 26 March 2020, No ZRU-613, "On Amendments and Additions to the Criminal Code, Criminal Procedure Code and the Administrative Liability Code of the Republic of Uzbekistan"; Decree of the President of the Republic of Uzbekistan of 19 March 2020, No UP-5969, "On priority measures to mitigate the negative impact on the economic sectors of the coronavirus pandemic and global crisis

11. These restrictions due to COVID-19 have adversely affected access to justice in Uzbekistan.<sup>25</sup> For example, difficulties arose in relation to the ability of lawyers to exercise their profession freely during the pandemic.<sup>26</sup> Transportation was restricted for most of the population and to use personal transport, special stickers were introduced and the Ministry of Justice published a list of professions whose members would not be required to obtain them.<sup>27</sup> Persons who were exempted included judges and law enforcement personnel.<sup>28</sup> Lawyers, however, were under a travel ban, raising concern as to ensuring the right of those detained or interrogated to legal representation.<sup>29</sup> The Ministry of Justice subsequently clarified that the law enforcement authorities could “accompany” lawyers with their vehicles to participate in “judicial and investigative activities”.<sup>30</sup>

#### *Legal Aid*

12. The provision of free legal aid in Uzbekistan covers only criminal cases.<sup>31</sup> With regard to civil cases, including those relating to ESC rights, free legal aid is provided only in respect of a narrow range of rights, such as violations of the equal rights of men and women.<sup>32</sup> However, it is not yet clear whether women, including those from rural areas, are able to report cases of discrimination against them and whether they are able access justice and legal aid in those instances.<sup>33</sup>

## **II. Prohibition of discrimination in the enjoyment of ESC rights (Article 2.2)**

13. Discrimination in respect of rights protected by the ICESCR is prohibited under article 2(2) of the Covenant. The CESCR has indicated that non-discrimination “is an immediate and cross-cutting obligation”.<sup>34</sup>

14. Uzbekistan has taken some important anti-discrimination legislative measures that support equal protection of ESC rights, such as through enactment of laws on gender equality and women’s rights, as well as for persons with disabilities.<sup>35</sup> Yet, as ICJ’s report demonstrates, comprehensive non-discrimination legislation, which would allow for effective judicial remedies in cases of discrimination, is still needed to fill gaps in the current legislative framework.<sup>36</sup> In addition, attention is needed on implementation of the existing legal framework in practice to protect the rights of women, and of members of disadvantaged and marginalized groups who still experience discrimination and barriers to accessing ESC rights.<sup>37</sup>

15. Uzbekistan legislation on discrimination sometimes specifically limits rights, including the right to equality, to “citizens” rather than “persons”.<sup>38</sup> For example, article 18 of the Constitution refers to the equal rights and equality before the law of “[a]ll citizens of the Republic of Uzbekistan”. Legislation often speaks of rights afforded to “citizens”.<sup>39</sup> In order to comply with obligations under the Covenant, ESC rights should be guaranteed to all persons under the jurisdiction of the State and not merely to “citizens”.<sup>40</sup>

16. The CESCR noted in its previous [Concluding Observations to Uzbekistan](#) that “stateless persons and refugees residing in the State party reportedly lack access to basic economic and social rights, including

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phenomena”; Resolution of the President of the Republic of Uzbekistan of 26 March 2020, No PP-4649, “On additional measures to prevent the widespread spread of coronavirus infection in the Republic of Uzbekistan”; Resolution of the President of the Republic of Uzbekistan of 26 March 2020, No PP-4652, “On additional measures to support medical workers and workers of the sanitary and epidemiological service involved in countering the spread of coronavirus infection”; Order of the President of the Republic of Uzbekistan of 29 January 2020, No R-5537, “On the formation of a Special Republic Commission on the preparation of a Program of Measures to Prevent the Importation and Spread of a New Type of Coronavirus in the Republic of Uzbekistan”; Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 23 March 2020, No 176, “On Additional Measures Against the Spread of Coronavirus Infection”.

<sup>25</sup> ICJ Report, page 22.

<sup>26</sup> ICJ, Briefing paper on the impact of anti-COVID-19 pandemic measures on access to justice in CIS countries, 12 June 2020.

<sup>27</sup> Kun,uz news portal: “Updated the list of persons who can ride without a sticker during quarantine”, 9 April 2020, <https://kun.uz/ru/news/2020/04/09/obnovlen-spisok-lits-kotoryye-smogut-yezdit-bez-stikera-vo-vremya-karantina>

<sup>28</sup> *Ibid.*

<sup>29</sup> Briefing paper on the impact of anti-COVID-19 pandemic measures on access to justice in CIS countries, op cit.

<sup>30</sup> Frequently Asked Questions and Answers on Legal Issues, *op cit.*

<sup>31</sup> The Constitution of the Republic of Uzbekistan, article 112; Law on Lawyers, op. cit., article 11; and Law on Courts, article 10; Criminal Procedure Code of the Republic of Uzbekistan, 22 September 1994, No. 2013-XII, article 50

<sup>32</sup> Law on Guarantees of Equal Rights and Opportunities for Women and Men of the Republic of Uzbekistan, 2 September 2019, No. ZRU-562, article 28; Presidential Decree of the Republic of Uzbekistan, 7 March 2019, No. PP-4235, “On measures to further strengthen guarantees of labour rights and support for women’s entrepreneurial activity”.

<sup>33</sup> E.g., Committee on the Elimination of Discrimination against Women, List of issues and questions in relation to the sixth periodic report of Uzbekistan, CEDAW/C/UZB/Q/6, 27 July 2020, para. 2.

<sup>34</sup> CESCR, General Comment No 20, para. 7.

<sup>35</sup> ICJ Report, page 77.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> As an example, under the Constitution of the Republic of Uzbekistan, certain aspects of the rights to work (article 34) appear to be afforded to only citizens, while many other rights (property (article 36), other aspects of the right work (article 37), social security (article 39), health (article 40), education (article 41) appear to be afforded to everyone.

<sup>40</sup> UN CESCR, GC No. 20: Non-discrimination in economic, social and cultural rights (art. 2,.2), 2 July 2009, E/C.12/GC/20, , page 25.

health care, education and legal employment (article 2(2)).” It therefore recommended that Uzbekistan “[a]dopt legislative and policy frameworks to ensure the full enjoyment of the Covenant rights without discrimination by all persons residing on its territory, irrespective of their ethnic and national background” as well as take “...practical steps, including through legislative measures as appropriate, to ensure that stateless persons and refugees enjoy economic, social and cultural rights, including access to legal employment, health care and education...”.<sup>41</sup>

17. A significant gap in Uzbekistan’s anti-discrimination legislation is that it fails to prohibit discrimination on grounds of sexual orientation or gender identity.<sup>42</sup> Moreover, consensual same-sex relations between adult males continue to be criminalised under the Criminal Code,<sup>43</sup> which subjects LGBT persons to systemic discrimination,<sup>44</sup> including in their enjoyment of ESC rights. This points to the failure of the State to comply with its obligations to ensure non-discrimination on grounds of sexual orientation and gender identity.<sup>45</sup>

### III. Right to work and workplace rights (Articles 6 and 7)

18. The right to work is constitutionally protected in Uzbekistan. Article 37 of the Constitution provides: “Everyone has the right to work, to choose occupation, just conditions of work and protection against unemployment in accordance with a procedure prescribed by law. Any forced labour is prohibited, except as punishment under a court’s sentence, or in some other instances specified by law.”<sup>46</sup>

19. According to article 38 of the Constitution, “Employed citizens are entitled to a paid rest. Duration of the working hours and paid leave is specified by law.” However, the labour law and collective agreements, as well as individual labour contracts can envisage additional rights for an employee.<sup>47</sup> Terms and conditions of labour agreements and contracts that worsen the position of employees guaranteed by legislation and other normative legal acts are null and void.<sup>48</sup>

20. According to the Labour Code, all persons enjoy equal opportunities to exercise work-related rights.<sup>49</sup> General guarantees of non-discrimination in the Law on Guarantees of Equal Rights and Opportunities for Women and Men also guarantee gender equality with respect to the right to work.<sup>50</sup> Nevertheless, in practice, there is widespread workplace inequality, including for women and people with disabilities.

#### *Women*

21. In practice gender inequality in respect of the right to work remains widespread.<sup>51</sup> There is a persistent gender pay gap, with the average monthly wage of women 36.2 percent lower than that of men in 2019.<sup>52</sup> Furthermore, reportedly, as many as 33 percent of working-age women are engaged in unpaid care work as their main activity, as compared with three per cent of working age men.<sup>53</sup> There is substantial evidence to suggest that harmful gender stereotypes and traditional attitudes towards women’s work continue to be a major obstacle for women in accessing employment.<sup>54</sup>

22. Under the Labour Code (Article 225), women's work in unfavourable working conditions, as well as underground work, is prohibited, with some exceptions (non-physical work or sanitary and domestic service

<sup>41</sup> CESCR, Concluding observations on the second periodic report of Uzbekistan, E/C.12/UZB/CO/2, 13 June 2014.

<sup>42</sup> ICJ Report, page 25.

<sup>43</sup> Criminal Code, article 120, which provides for the sanction of restriction of liberty from 1 to 3 years, or imprisonment up to 3 years.

<sup>44</sup> ICJ Report, page 25.

<sup>45</sup> HRC, Concluding Observations on the 5th periodic report of Uzbekistan on implementation of the ICCPR, 1 May 2020, CCPR/C/UZB/CO/5, paras 10–11.

<sup>46</sup> The Constitution of the Republic of Uzbekistan, article 37.

<sup>47</sup> Labour Code, article 4.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*, article 6.

<sup>50</sup> Law on Guarantees of Equal Rights and Opportunities for Women and Men, No. ZRU-562, article 21

<sup>51</sup> Report on Women and Work in Uzbekistan: Towards Gender Equality and Decent Work for All, International Labour Organization, 2020, [https://www.ilo.org/moscow/news/WCMS\\_758049/lang--en/index.htm](https://www.ilo.org/moscow/news/WCMS_758049/lang--en/index.htm) ; Gender and youth employment in CIS countries.

<sup>52</sup> The percentage of the difference between the average monthly wages of men and women to the average monthly wages of men, 2020, official website of the State Committee of the Republic of Uzbekistan on Statistics, Gender Statistics of Uzbekistan, <https://gender.stat.uz/en/i-group-en/942-the-percentage-of-the-difference-between-the-average-monthly-wages-of-men-and-women-to-the-average-monthly-wages-of-men>.

<sup>53</sup> “ILO presented report on Women and Work in Uzbekistan: Towards Gender Equality and Decent Work for All”, 8 October 2020, [https://www.ilo.org/moscow/news/WCMS\\_758049/lang--en/index.htm](https://www.ilo.org/moscow/news/WCMS_758049/lang--en/index.htm).

<sup>54</sup> Gender and youth employment in CIS countries, ILO, 2020, [https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms\\_764206.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms_764206.pdf) , p. 6: the recent Gallup-ILO poll (Gallup-ILO, 2017) reports that, in Uzbekistan only 63 per cent of men think it is acceptable for women to work outside of the home if she wishes. While only 72 per cent of women in the country think it acceptable for women to work outside the home.



work).<sup>55</sup> Women are prohibited from lifting and carrying loads above certain limits.<sup>56</sup> In its 2015 Concluding Observations on Uzbekistan, the CEDAW Committee expressed concern at “[t]he list of occupations that are prohibited for women, which appears to be overly protective, overemphasizes women’s role as mothers and places excessive restrictions on working time, overtime work and night work for women, thereby limiting their economic opportunities in several areas”.<sup>57</sup> Presidential Decree of 7 March 2019 envisaged eliminating prohibitions on the use of women’s labour in certain industries or professions and approval of a new list of recommended industries or occupations that may have a negative impact on women’s health.<sup>58</sup> However, article 225 of the Labour Code, which establishes these prohibitions, remains in force.<sup>59</sup>

### *Persons with disabilities*

23. In addition to some guarantees under the Constitution<sup>60</sup> and the Labour Code,<sup>61</sup> the Law on Rights of Persons with Disabilities<sup>62</sup> also prohibits discrimination on the basis of disability. According to the Law, a person with a disability has the right to work “in organizations with normal working conditions, in specialized enterprises, and in areas using the labour of persons with disabilities, as well as to carry out individual labour or other activities not prohibited by law”.<sup>63</sup>

24. Legislation provides for additional State support for employment of persons with disabilities, by providing for vocational rehabilitation of persons with disabilities, and providing persons with disabilities with the opportunity to be hired, maintain a suitable job and advance at work; and establishing the minimum number of workplaces in organizations for persons with disabilities.<sup>64</sup> In practice, however, serious problems in ensuring the right to work of persons with disabilities remain.<sup>65</sup> These include, *inter alia*, the failure to make the social infrastructure facilities accessible to persons with disabilities and shortcomings in proper education and training opportunities, hindering enforcement of the labour rights of persons with disabilities.<sup>66</sup> Their employment level is still low.<sup>67</sup>

### *Forced labour*

25. For many years, child labour and forced labour were systematic in Uzbekistan.<sup>68</sup> According to the recent ILO report: “...systematic child labour is no longer used during the cotton harvest in Uzbekistan. Schoolchildren and students were not mobilized for cotton picking... Systematic forced labour did not occur during the 2020 cotton harvest.”<sup>69</sup> Despite this, some cases of child labour still take place in cotton picking.<sup>70</sup> Moreover, it is reported that public sector employees were forced to pick cotton or pay for replacement pickers during the 2020 harvest.<sup>71</sup> With respect to this, Uzbekistan’s periodic report filed with the CESCR in 2019 does report on measures taken to combat forced labour, and it fails to provide court statistics or indeed any information about the vindication of legal protections against forced labour (or the right to work more generally) in courts.<sup>72</sup>

<sup>55</sup> Labour Code, article 225.

<sup>56</sup> The Ministry of Employment and Labour Relations and the Ministry of Health, in consultation with the Council of the Federation of Trade Unions and representatives of employers, approve the list of occupations with unfavourable working conditions and the limits of loads that women can lift and carry.

<sup>57</sup> CEDAW, Concluding Observations on the fifth periodic report of Uzbekistan, 2015, para. 25.

<sup>58</sup> Decree of the President of the Republic of Uzbekistan, 7 March 2019, PP-4235, “On measures to further strengthen guarantees of labour rights and support for women’s entrepreneurial activity”.

<sup>59</sup> Labour Code of the Republic of Uzbekistan, article 225.

<sup>60</sup> The Constitution, article 45: “The rights of minors, the persons with disabilities and the single elderly shall be protected by the state”.

<sup>61</sup> Labour Code, article 6.

<sup>62</sup> Law of the Republic of Uzbekistan on the Rights of Persons with Disabilities, articles 6 and 23–25, accessed 5 January 2020.

<sup>63</sup> *Ibid.*, article 3.

<sup>64</sup> *Ibid.*, article 43.

<sup>65</sup> ICJ Report, page 65.

<sup>66</sup> National Center for Human Rights of Uzbekistan, New Uzbekistan and Human Rights: Information on the Status of Compliance of the Republic of Uzbekistan with International Obligations on Human Rights, Report, 2020, pp. 40–41; Association of People with Disabilities of Uzbekistan (APwD), ALTERNATIVE REPORT On the implementation of ICESCR by the Republic of Uzbekistan, 2020, pp. 4–6, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CESCR/ICO/ UZB/41239&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CESCR/ICO/ UZB/41239&Lang=en).

<sup>67</sup> ICJ Report, page 65.

<sup>68</sup> 2020 third-party monitoring of child labour and forced labour during the cotton harvest in Uzbekistan, ILO, 2021, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ilo-washington/ documents/projectdocumentation/wcms\\_767756.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ilo-washington/ documents/projectdocumentation/wcms_767756.pdf), pp. 26 and 68.

<sup>69</sup> 2020 third-party monitoring, ILO, 2021, *op. cit.*, p. 5; 2019 third-party monitoring, ILO, 2020, *op. cit.*, p. 4.

<sup>70</sup> 2020 Third-party monitoring, ILO, 2021, *op. cit.*, p. 5; 2019 third-party monitoring, ILO, 2020, *op. cit.*, p. 4; Human Rights Watch, World Report 2021: Uzbekistan, <https://www.hrw.org/world-report/2021/country-chapters/uzbekistan>.

<sup>71</sup> 2020 Third-party monitoring, *op. cit.*, p. 5.

<sup>72</sup> Third periodic report of Uzbekistan on implementation of the ICESCR, E/C.12/UZB/3, 14 August 2019, paras 103–105.

### *National minimum wage*

26. Under the Labour Code,<sup>73</sup> an employer, regardless of their financial situation, is obliged, within the time limits determined by the Code, to pay an employee for the work performed in accordance with the established labour remuneration conditions.<sup>74</sup> Wages must also not fall below the wage agreed in any collective agreement.<sup>75</sup> However, they can be increased without any limits.

27. In Uzbekistan, the national minimum wage is periodically reviewed.<sup>76</sup> The minimum wage in 2021 was 747,300 Soum (60 EUR) per month,<sup>77</sup> an increase in comparison with some previous years<sup>78</sup>. However, the share of the population living below the national poverty line was 11.9 percent in 2017, according to national statistical data.<sup>79</sup> Moreover, reportedly, despite economic growth, “poverty reduction and decent employment creation have lagged behind growth rates”, partly due to a shortage of decent work opportunities.<sup>80</sup>

28. In consultation with workers and employers, their representative organizations and other relevant partners, Uzbekistan has an obligation to establish in legislation and ensure minimum wages that are non-discriminatory and absolute, fixed by taking into consideration relevant economic and social factors and indexed to the cost of living, so as to ensure a decent living for workers and their families.<sup>81</sup> It is difficult to assess whether this obligation has been met, as there is no comprehensive and regular publicly available data on the living standards of the population in Uzbekistan and only fragmented information about income, poverty, and vulnerability is available.<sup>82</sup>

### *Informal labour market*

29. The informal labour market is estimated to amount to 45 percent of the economically active population in Uzbekistan.<sup>83</sup> In 2014 in its review of Uzbekistan’s compliance with its ICESCR, the CESCR Committee recommended Uzbekistan that it “gradually regularize the situation of all workers in the informal sector and ensure their coverage under existing labour and social security schemes”.<sup>84</sup> It further called on Uzbekistan: “to provide, in its next periodic report, information on the progress made to reduce the informal economy, including on the percentage of workers and ‘small enterprises’ concerned, as well as on whether ‘small enterprises’ are subject to labour inspections and to administrative liability for violations of workers’ rights to just and favourable conditions of work.”<sup>85</sup>

30. In its initial 2019 report to the CESCR, Uzbekistan indicated that it has taken measures to regulate the informal sector.<sup>86</sup> However, an updated public report on this issue is still needed.<sup>87</sup> In particular, in view of the negative impact of COVID-19 on the economy, the share of informal sector is still significant,<sup>88</sup> which indicates the importance of regulation to uphold fully the rights of workers in the sector as required by Articles 6-8 of the Covenant.

### *Independent Trade Unions*

31. In its Concluding Observations on Uzbekistan’s initial report, the Committee called for the “development

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<sup>73</sup> Labour Code, articles 16 and 155.

<sup>74</sup> *Ibid.*, article 154.

<sup>75</sup> *Ibid.*

<sup>76</sup> The Decree of the President of the Republic of Uzbekistan, 30 December 2019, No PP-4555, On Measures to Ensure the Enforcement of the Law of the Republic of Uzbekistan “On the State Budget of the Republic of Uzbekistan for 2020”, <https://lex.uz/ru/docs/4673469>; The Decree of the President of the Republic of Uzbekistan, 30 December 2020, PP-4938, “On Measures to Ensure the Enforcement of the Law of the Republic of Uzbekistan “On The State Budget of the Republic of Uzbekistan for 2021”, <https://lex.uz/ru/docs/5193210>.

<sup>77</sup> Decree PP-4938, op cit

<sup>78</sup> *Ibid.*

<sup>79</sup> An assessment of the social protection system in Uzbekistan Based on the Core Diagnostic instrument (CODI), Report by ILO, UNICEF, and the World Bank, 2020, [https://www.ilo.org/wcmsp5/groups/public/---europe/---roeneva/---sro-moscow/documents/publication/wcms\\_760153.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---roeneva/---sro-moscow/documents/publication/wcms_760153.pdf), pp 23–24.

<sup>80</sup> *Ibid.*

<sup>81</sup> ICJ Report, page 69.

<sup>82</sup> *ICJ report.*

<sup>83</sup> Seeing the invisible: the informal sector in Uzbekistan: <https://review.uz/post/razglyadet-nevidimku-neformalnysektor-v-uzbekistane>, 30 March 2020.

<sup>84</sup> CESCR, Concluding Observations on the second periodic report of Uzbekistan, E/C.12/UZB/CO/2, 12 Jun 2014, para. 12(c).

<sup>85</sup> *Ibid.*

<sup>86</sup> Third periodic report of Uzbekistan on implementation of the ICESCR, E/C.12/UZB/3, 14 August 2019, para. 91: “The proportion of the population employed in the informal sector stands at 59 per cent (7.9 million) of the total number of persons in employment.”

<sup>87</sup> ICJ Report, page 72.

<sup>88</sup> E.g. Assessment of COVID-19 impacts on socio-economic situation in Uzbekistan (incomes, labour market and access to social protection): overview of crisis response and areas of improving public policies, op. cit.; Project “Strengthening the social protection system in Uzbekistan.”

of independent trade unions that are better able to defend their members' interests. ...to adopt national legislation on a procedure for settling collective labour disputes concerning the introduction of new, or the alteration of the existing, working conditions".<sup>89</sup> Yet, the lack of independence of trade unions remains a concern in the country as their activity is supervised by the Federation of Trade Unions of Uzbekistan (FTUU)<sup>90</sup> and the International Trade Union Confederation has concluded that the FTUU is *de facto* not an independent organization.<sup>91</sup> Indeed, rather than representing the interests of its members, the FTUU is reported to pursue a pro-employer policy.<sup>92</sup>

#### IV. Right to adequate housing (Article 11)

32. By law, in Uzbekistan, social housing is available to persons from certain categories of disadvantaged groups, who are in need of housing and are registered on the waiting list for social housing.<sup>93</sup> These groups include unemployed persons with disabilities of certain categories,<sup>94</sup> certain categories of persons with illnesses, pensioners living alone, some World War II veterans, and families who have adopted orphaned children.<sup>95</sup> Accordingly, although the law applies "need" as a criterion: homelessness alone is not a sufficient condition for inclusion in the abovementioned list.<sup>96</sup>

33. Considering that under the national law public housing is granted mainly to the disadvantaged or socially marginalized categories of the population, evictions undertaken without the provision of alternative accommodation may lead to homelessness in contravention of Uzbekistan's international law obligations.<sup>97</sup> In practice, forced evictions lead to a significant number of violations of the right to housing in Uzbekistan.<sup>98</sup> Mostly, evictions have been carried out in the context of purported urban development and renewal of cities.<sup>99</sup> Reportedly, the legal procedures required for evictions under domestic law, including notification procedures, have often not been followed in practice, and due process guarantees have not been respected.<sup>100</sup>

34. According to the relevant regulations, consultation with those affected by evictions prior to the evictions must be conducted.<sup>101</sup> However, in practice, in many cases genuine consultation with those affected prior to evictions does not take place.<sup>102</sup>

35. Under the Law on the Rights of Persons with Disabilities, homes must be accessible for persons with disabilities.<sup>103</sup> It is also mandatory under the law to adapt houses to ensure their accessibility for persons with disabilities during the planning, construction and/or reconstruction of houses.<sup>104</sup> The rules on construction and reconstruction of houses must be drafted in consultation with public associations of persons with disabilities.<sup>105</sup> Reportedly, in practice, these requirements of the law are often disregarded, and the

<sup>89</sup> CESCR, Concluding observations on the first periodic report of Uzbekistan, UN Doc E/C.12/UZB/CO/1, 24 January 2006, para. 52.

<sup>90</sup> Uzbek-German Forum for Human Rights (UGF), "Submission for the adoption of the List of Issues in relation to the fifth periodic report of Uzbekistan to the ICCPR", May 2019, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UZB/INT\\_CCPR\\_ICO\\_UZB\\_34932\\_E.docx](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UZB/INT_CCPR_ICO_UZB_34932_E.docx) accessed 12 November 2021

<sup>91</sup> The Cover-Up: Whitewashing Uzbekistan's White Gold, UGF < <http://harvestreport2015.uzbekgermanforum.org/pdf/harvestreport-2015.pdf> > accessed 05 January 2022

<sup>92</sup> Uzbek-German Forum for Human Rights (UGF), op cit.

<sup>93</sup> Housing Code, articles 38–40.

<sup>94</sup> Law on Rights of the Persons with Disabilities, article 31, The categories of disabilities are assigned on the basis of the medical-social examination of a person.

<sup>95</sup> Housing Code, articles 38–40, and the decision of the Cabinet of Ministers of 28 June 1994, No. 325.

<sup>96</sup> ICJ Report, page 33.

<sup>97</sup> *Ibid.*

<sup>98</sup> Dilmira Matyakubova, "The perils of rebuilding Uzbekistan: The rise of glass and glitter", The Foreign Policy Centre (fpc.org.uk), 14 July 2020, <https://fpc.org.uk/the-perils-of-rebuilding-uzbekistan-the-rise-of-glass-and-glitter/> . Several persons attempted to commit suicide by setting themselves alight in protest to demolitions. On 14 December 2018, Nozima Ergasheva in Kibray District publicly set herself on fire during a reception of citizens in the district administration to protest against the decision on demolition of her house. As a result, she received injuries to 68 per cent of her body. In February 2020, Mukaddas Mustafaeva in Karshi set herself alight in protest at the demolition of her house and her father suffered severe burns in an attempt to stop the fire.

<sup>99</sup> Human Rights Watch, Events in Uzbekistan, Property Rights, 2020, <https://www.hrw.org/world-report/2020/country-chapters/uzbekistan#fb32c6>.

<sup>100</sup> Firuz Tursunov (judge of the Supreme Court of the Republic of Uzbekistan), "The right to property is inviolable", 30 January 2021, the web-site of the Supreme Court of Uzbekistan Republic, [https://sud.uz/ru/ccr\\_slider/npавосоbственности-неприкосновенно/](https://sud.uz/ru/ccr_slider/npавосоbственности-неприкосновенно/) .

<sup>101</sup> The Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 16 November 2019, No. 911, "On additional measures to improve the procedure for providing compensation for the seizure and provision of land plots and ensuring the guarantee of property rights of individuals and legal entities"

<sup>102</sup> National Centre for Human Rights of Uzbekistan, New Uzbekistan and Human Rights: Information on the Status of Compliance of the Republic of Uzbekistan with International Obligations on Human Rights, Report, 2020, p. 20; Monitoring Report on Human Rights during expropriation of housing for public and state needs in Central Asian Countries, Independent Centre on Human Rights Defense

<sup>103</sup> Law on the Rights of Persons with Disabilities, articles 22–23.

<sup>104</sup> *Ibid.*, articles 9 and 23

<sup>105</sup> *Ibid.*, article 23



standards not respected.<sup>106</sup> In particular, it has been reported that persons with disabilities regularly complain of insufficient level of accessibility of houses.<sup>107</sup>

36. Availability of services is guaranteed by the Housing Code,<sup>108</sup> as well as by other legislation and a number of relevant by-laws.<sup>109</sup> Despite detailed regulation, the low quality of the access to basic services, such as water and electricity, in particular, outside of the capital, Tashkent,<sup>110</sup> remains an obstacle to the realization of the right to housing for many people.<sup>111</sup>

## **V. Right to the enjoyment of the highest attainable standard of physical and mental health (Article 12)**

37. Despite some progress in the field of access to the right to health,<sup>112</sup> in particular about legal provisions and stated policy goals, there are also serious shortcomings<sup>113</sup> that raise concern with regard to the accessibility and quality of healthcare required to comply with Article 12 of ICESCR and leave many underserved. Some of these problems are systemic and structural, inherent in the healthcare system<sup>114</sup> and some national policies also fail to effectively address them.<sup>115</sup>

38. For example, there appears to be a continuing shortage of general practitioners and specialists, in particular, in remote regions of the country.<sup>116</sup> There remains inadequate education and professional development of health workers, including poor quality of medical training,<sup>117</sup> as well as weak implementation of modern forms and methods of organizing continuing professional education.<sup>118</sup>

39. Payments for health services are both formal and informal.<sup>119</sup> While Uzbekistan preserves an officially (partly) free health care system, formal payment schemes have been increasingly introduced and currently account for a major share of revenue, in particular, for health facilities that are expected to finance themselves largely through user fees rather than allocations from the State budget.<sup>120</sup> Other sources of funds include technical assistance programmes by various agencies.<sup>121</sup>

40. The collection of informal fees for consultations and treatment continues to be prevalent.<sup>122</sup> There is evidence of informal payments being required for access to healthcare services, in particular, for secondary and tertiary care.<sup>123</sup> The persistence of corruption in access to healthcare hinders the effective use of resources and the implementation of the right to healthcare.<sup>124</sup> It may also lead to persons in socio-

<sup>106</sup> Situation analysis on children and adults with disabilities in Uzbekistan, United Nations (UNDP, UNESCO, UNFPA, UNICEF and WHO in Uzbekistan), May 2019, [https://www.unicef.org/uzbekistan/media/3576/file/Snapshots\\_PwD\\_SitAn.pdf](https://www.unicef.org/uzbekistan/media/3576/file/Snapshots_PwD_SitAn.pdf), para. 105.

<sup>107</sup> *Ibid.*, para. 107.

<sup>108</sup> Housing Code, articles 5, 6 and 49.

<sup>109</sup> E.g. The Decree of the Cabinet of Ministers of the Republic of Uzbekistan on the adoption of the Rules of provision of communal services, of 15 July 2014, No. 194.

<sup>110</sup> See: Gazeta.uz news portal, Life by limits: why do they switch off electricity in the region, <https://www.gazeta.uz/ru/2018/11/29/energy/>; National Center for Human Rights of Uzbekistan, New Uzbekistan and Human Rights: Information on the Status of Compliance of the Republic of Uzbekistan with International Obligations on Human Rights, Report, 2020, <http://www.nhrc.uz/en/menu/doklad-o-situatsii-v-oblasti-prav-cheloveka->, pp. 19–20.

<sup>111</sup> National Centre of Human Rights of Uzbekistan, New Uzbekistan and Human Rights: Information on the Status of Compliance of the Republic of Uzbekistan with International Obligations on Human Rights, Report, 2020, op. cit., pp. 19–20.

<sup>112</sup> Decree of President of the Republic of Uzbekistan, 7 December 2018, "On comprehensive measures for the radical improving the health-care system in Uzbekistan".

<sup>113</sup> News portal: "Shavkat Mirziyoyev criticized the quality of medical care to the population", 25 February 2020.

<sup>114</sup> Decree of President of the Republic of Uzbekistan, 7 December 2018, No. UP-5590, op cit.

<sup>115</sup> ICJ Report, page 46.

<sup>116</sup> Presidential Decree of the Republic of Uzbekistan, 6 May 2019, PP-4310, On Measures for Further Development of the System of Medical and Pharmaceutical Education and Science; There has also been a decline in the number of physicians per population, which is now also below the average for the central Asian countries. The number of nurses per population has remained largely constant in the last two decades and is now the highest in the central Asian region. R. Azimov, Z. Mutalova, S. Huseynov, E. Tsoy, B. Rechel and M. Ahmedov, "Uzbekistan: Health System Review", Health Systems in Transition, 2014, [http://www.euro.who.int/\\_data/assets/pdf\\_file/0019/270370/Uzbekistan-HiT-web.pdf](http://www.euro.who.int/_data/assets/pdf_file/0019/270370/Uzbekistan-HiT-web.pdf), p. xviii; Presidential Decree of the Republic of Uzbekistan, No. UP-5590 op cit; On 25 February 2020, the President of the Republic of Uzbekistan Shavkat Mirziyoyev held a meeting on the next important tasks in the field of developing the healthcare system and improving the quality of medical services, Nuz.uz news portal.

<sup>117</sup> Decree on measures to further develop the system of medical and pharmaceutical education and science, op cit; Health Care in Uzbekistan, 2016, [http://factsanddetails.com/central-asia/Uzbekistan/sub8\\_3f/entry-4735.html](http://factsanddetails.com/central-asia/Uzbekistan/sub8_3f/entry-4735.html)

<sup>118</sup> ICJ Report, page 46.

<sup>119</sup> *Ibid.*

<sup>120</sup> "Uzbekistan: Health System Review", Health Systems in Transition, 2014, [http://www.euro.who.int/\\_data/assets/pdf\\_file/0019/270370/Uzbekistan-HiT-web.pdf](http://www.euro.who.int/_data/assets/pdf_file/0019/270370/Uzbekistan-HiT-web.pdf), p. xvii.

<sup>121</sup> Health Care in Uzbekistan, 2016, [https://factsanddetails.com/central-asia/Uzbekistan/sub8\\_3f/entry-4735.html](https://factsanddetails.com/central-asia/Uzbekistan/sub8_3f/entry-4735.html).

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*

<sup>124</sup> Anti-corruption reforms in Uzbekistan, 4th round of monitoring, Istanbul Anti-Corruption Action Plan, Anti-Corruption Network for Eastern Europe And Central Asia, [https://www.oecd.org/corruption/acn/OECDACN-Uzbekistan-4th-Round\\_Monitoring-Report-2019-ENG.pdf](https://www.oecd.org/corruption/acn/OECDACN-Uzbekistan-4th-Round_Monitoring-Report-2019-ENG.pdf), p. 36.

economically disadvantaged situations being excluded from accessing health services due to a lack of financial resources.<sup>125</sup> Furthermore, accessibility of healthcare is impeded by frequent shortages of essential medicines, water, electricity, heating, equipment and, in particular, hospital beds,<sup>126</sup> hygiene materials in public healthcare facilities, as well as supply of vaccines.<sup>127</sup>

## **VI. Recommendations**

41. In light of the above-mentioned concerns, the ICJ calls on the Committee to make the following recommendations to Uzbekistan in order to ensure compliance with its Covenant obligations:

### **A. Access to justice for ESC rights (Article 2.1)**

- **Judicial independence:** Judicial independence on both an institutional and individual level should be secured to ensure the ability of judicial officers to provide practical and effective legal remedies in cases of violations of ESC rights, through comprehensive reforms of the judiciary. Undue interference with the judiciary by the executive and legislative powers should be eradicated, including through ensuring the *de jure* and *de facto* independence of the Supreme Judicial Council and its procedures. In this connection, it is essential that the recommendations of the UN Special Rapporteur on the Independence of Judges and Lawyers following his visit to Uzbekistan be fully implemented.
- **Access to legal aid:** Victims of violations of ESC rights, including the rights to housing, health and labour rights, should have effective access to legal advice and assistance to enable them to access justice and remedies, including through the courts. Free legal aid should be provided where necessary and particular efforts should be made to provide information on their rights and access to remedies to people in marginalized or disadvantaged situations, such as victims of forced labour.
- **Supremacy of international law:** The supremacy of international law over national legislation, which is established in the Uzbekistan legal system, should be applied in practice. International law, standards and human rights jurisprudence, including in respect of the ICESCR, should become a governing framework for the ongoing programme of legal reform, which should be aimed, *inter alia*, at ensuring compliance with international law obligations, including on issues of equality and non-discrimination, housing, healthcare, labour rights, access to justice and remedies in cases of violations of ESC rights.
- **Provision of information on ESC rights:** The institutions of the judiciary should regularly publish and make available for judges in local languages decisions of UN Treaty Bodies where authoritative interpretation of specific ESC rights are provided. UN Treaty Bodies decisions, concluding observations should be part of the judicial regular training and retraining.
- **Accessibility of courthouses:** Courthouses should be made more accessible to the public, including persons with disabilities, in order to ensure that justice is more accessible for the public.

### **B. Prohibition of discrimination in the enjoyment of ESC rights (Article 2.2)**

- **Anti-discrimination legislation:** The National Legislature should adopt and implement, as a matter of priority, comprehensive anti-discrimination legislation prohibiting direct and indirect discrimination, and guaranteeing equal protection, in both the public and private sectors consistently with the requirements of international human rights law, including as set out in General Comment 20 of the CESCR Committee. Such legislation should guarantee full access to effective remedies and reparation for victims of discrimination in judicial and administrative proceedings, including through access to legal advice and legal aid where necessary;
- **Sexual orientation and gender identity:** Legislation that discriminates on the basis of sexual orientation, in particular, by criminalizing consensual same-sex sexual relations, should be repealed.

### **C. Right to work and workplace rights (Articles 6 and 7)**

- **Discrimination in the workplace:** The issue of discrimination in the workplace, especially based on sex, such as sexual harassment should be addressed as a matter of priority at the level of State policy and legislation, raising awareness among the wider public as well as employers. Judicial remedies should be

<sup>125</sup> CRC, Concluding Observations on combined 3rd and 4th periodic reports of Uzbekistan, 10 July 2013, CRC/C/UZB/CO/3-4, para.51 (a)

<sup>126</sup>Uzbekistan: Health System Review, Health Systems in Transition, op. cit., p. xvii: "In terms of care hospital beds per population, the country now ranks below the averages for the central Asian countries and the CIS."

<sup>127</sup>Health Care in Uzbekistan, 2016, [http://factsanddetails.com/central-asia/Uzbekistan/sub8\\_3f/entry-4735.html](http://factsanddetails.com/central-asia/Uzbekistan/sub8_3f/entry-4735.html).

made available in cases where cases of sexual harassment and/or other forms of discrimination at work are alleged.

- **Forced labour:** Further efforts should be made to fully eradicate cases of forced labour. The Government of Uzbekistan should take further measures to prevent any use of forced labour by public or private entities, to ensure accountability of the perpetrators of forced labour, and to provide the victims of such violations with effective remedies and reparation.
- **Informal work:** Where individuals are left outside of contractual protection in labour cases, the law should ensure that individuals are afforded all the necessary remedies under international labour law and standards.
- **Information on the right to work:** Information on the right to work should also be made available in “accessible formats”, and should include information relating to minimum wages, workplace hygiene, health and safety, and information necessary for workers to exercise their rights to freedom of expression, association, assembly and public participation. This should include court statistics or any information about the vindication of legal protections against forced labour (or the right to work more generally) in courts.
- **Independence of trade unions:** Trade unions should be made independent both in law and in practice in order to ensure that they exercise their functions in accordance with the ICESCR Article 8.

#### **D. *Right to adequate housing (Article 11)***

- **Forced evictions:** The procedures and practices of eviction should be brought in line with obligations under CESCR Article 11. In particular, they should meet the standards of genuine consultation, adequate notice, adequate information, government presence, appropriate conditions during the eviction. Where a person wishes to contest an eviction, effective legal remedies should be available in all cases. Forced evictions should be prohibited at all times be they from private, public or other dwellings.
- **Availability of housing:** Where individuals can be removed from places of their habitation and such a removal is consistent with the Covenant and national law, whatever the ground of their occupation of those premises or lands are, it should be ensured that such removal does not result in homelessness and that housing is made available as required by international law;
- **Accessibility of housing:** The Government should take steps to ensure that housing is accessible for people with disabilities in practice.

#### **E. *Right to the enjoyment of the highest attainable standard of physical and mental health (Article 12)***

- **Quality healthcare services** should be made available, accessible (including physical, economic and information accessibility), acceptable, and of good quality to everyone across the country without any discrimination. Where health services or treatment are guaranteed by law, they should be available at all times in practice without any discrimination.

#### **F. *Involvement of civil society in implementation of ESC rights***

- **Recommendations of the UN Treaty Bodies on ESC rights**, including as a result of periodic reporting procedure, as well as the Human Rights Council’s Universal Periodic Review, should be fully implemented through a structured process involving full and meaningful consultation with civil society.