

UZBEKISTAN ANTI-CORRUPTION DIGEST

INTRODUCTORY ARTICLE

ANTI-CORRUPTION POLICY OF THE REPUBLIC OF UZBEKISTAN: INTERNATIONAL STANDARDS AND NATIONAL SYSTEM**Akmal SAIDOV***

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***Abstract:** Information on international anti-corruption standards, the negative impact of corruption on the state and society, including human rights, as well as information on Uzbekistan's new anti-corruption policy is presented.*

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The fight against corruption remains one of the most urgent problems of today in the modern world. The fight against this scourge extends to many countries of the world. The Republic of Uzbekistan also contributes to the fight against corruption. At present, a number of anti-corruption programs to combat corruption has been adopted in our country, and large-scale work is underway on them.

Taking into account the fact that the issue of protecting human rights and interests is at the center of fundamental reforms carried out in Uzbekistan, the consistent fight against corruption, which leads to gross violations of human rights, has become one of the most important areas of state policy. By the law of July 7, 2008, Uzbekistan became a member-state to the UN Convention against Corruption, and in 2010 became a member-state to the Istanbul Action Plan of the Anti-Corruption Network of the Organization for Economic Cooperation and Development.

Corruption is a factor complicating the implementation of the Constitution and laws of the Republic of Uzbekistan, international human rights standards that serve to ensure human rights and freedoms. The scale of corruption has a negative impact on economic development.

As the President of the Republic of Uzbekistan Shavkat Mirziyoyev noted, "The Development Strategy of new Uzbekistan provides for building a corruption free country. Today this goal is becoming the unifying factor of our society".

International cooperation in the fight against corruption

International human rights organizations, including the UN statutory human rights bodies and treaty committees, pay special attention to the negative impact of corruption on the enjoyment of human rights and give their recommendations for the eradication of corruption. UN Secretary-General António Guterres writes: **“Corruption is the criminal, immoral and ultimate betrayal of public trust. It is especially destructive during crises like pandemics”**.

Corruption exists in all countries, regardless of their political and economic system and level of development. Corruption is a transnational reality, and fighting it requires international cooperation beyond national policies. The UN adopted a number of international documents on combating corruption, including the Declaration against Corruption and Bribery in International Commercial Transactions of 1996, the International Code of Conduct for Public Officials of 1996, the Convention against Transnational Organized Crime of 2000; in 2003 the Convention against Corruption and others were adopted.

Also, in accordance with the resolution of the UN General Assembly of November 21, 2003, since 2004, “December 9 -International Anti-Corruption Day” has been celebrated.

The Declaration against Corruption and Bribery in International Commercial Transactions highlights the need for effective and concrete measures to combat corruption, in particular against all forms of corruption in international business transactions, including the effective enforcement of existing laws in each UN Member State.

The UN Convention against Transnational Organized Crime considers corruption as a phenomenon of transnational crime. The UN Convention against Corruption emphasizes that corruption has become a transnational phenomenon, and not just a problem of individual states. The convention also stated that all states have responsibility to prevent corruption and that civil society institutions and citizens must cooperate with state bodies to ensure the effectiveness of efforts in this area.

Corruption has a direct negative impact on the application of human rights.

First, corruption deprives society of important resources that it could use to meet its needs for health care, education, improved infrastructure and security.

Secondly, corruption has a direct negative impact on the functioning of state bodies and organizations, in particular, the justice system. Corruption destroys the credibility of public authorities, including depriving the courts of the ability to guarantee the protection of human rights.

Corruption has a devastating effect on the use of goods and services related to human rights. It undermines the implementation of state policy in various areas, especially the implementation of social programs, the process of ensuring the rule of law.

Because of corruption, the most vulnerable people and segments of the population are the first to suffer. Therefore, anti-corruption measures must comply with human rights standards. Human rights norms, principles and mechanisms strengthen the effectiveness of anti-corruption measures.

Corruption is the biggest obstacle to the realization of personal, political, social, economic and cultural human rights. Corruption violates the principles of openness, transparency, accountability, non-discrimination and protection of human rights related to human participation in all spheres of public life. Compliance with these principles is one of the most effective means of combating corruption.

State Anti-Corruption Policy in Uzbekistan

Consistent measures are being taken in our country to introduce a system of prevention and uncompromising fight against corruption based on advanced international standards. In particular, the necessary conditions have been created for effective and efficient public control over public administration by ensuring openness, publicity and transparency of the activities of state bodies and organizations, as well as accountability of officials to the population.

All bodies of state power and administration, including the Accounts

Chamber, the Central Bank, courts and the prosecutor's office and their structural and territorial divisions, as well as business entities and state unitary enterprises with a state share of 50 percent or more in the authorized fund (authorized capital) will post information, which has social significance, as Open Data.

The steady improvement in the situation with the prevention of corruption as a result of the reforms carried out in the Republic of Uzbekistan in recent years is receiving international recognition. This can be seen in the improvement of Uzbekistan's position in international rankings in this area. An important factor in this is the course to uncompromising fight against corruption being implemented in the country. The following aspects of it can be noted:

Firstly, the strong political will of the head of state for the fight against corruption, his strategy, carried out in accordance with the principles of system, consistency and openness, is a key success factor in this direction. Our President Sh. Mirziyoyev repeatedly emphasizes the importance of fighting against this scourge in his addresses and speeches. In his speech at the 75th session of the UN General Assembly, Sh. Mirziyoyev noted that one of the most pressing issues in the country awaiting solution is the systemic coordination and radical renewal of anti-corruption measures, the suppression of cases related to corruption in all areas of state and public construction. This initiative, put forward by the President, was confirmed by concrete measures aimed at improving the national legislative framework and enforcement of law practice in the field of combating corruption in Uzbekistan.

Secondly, the institutional framework for the fight against corruption and its prevention has been created. In both chambers of the Oliy Majlis, committees on combating corruption and, on judicial and legal issues have been established, state programs on combating corruption have been developed and implementation ensured. The Republican Interdepartmental

Commission for Anti-Corruption and its territorial interdepartmental commissions have been reorganized into the National Anti-Corruption Council of the Republic of Uzbekistan and its territorial councils. A working body of the National Council, the Anti-Corruption Agency, was established. The Agency is entrusted with the task of ensuring the joint activities of state bodies, the media and civil society institutions.

Thirdly, national anti-corruption legislation has been brought into line with international standards. The accession of Uzbekistan to the UN Convention against Corruption laid the foundation for improving the legal framework for combating corruption. In our country, there are 210 normative legal acts which use the word "corruption". Important steps have been taken to implement the provisions of the UN Convention against Corruption in national legislation and enforcement of law practice. The adoption of the Law of the Republic of Uzbekistan "On combating corruption" in January 2017, in order to effectively fight corruption, made it possible to create a comprehensive system by combining the efforts and capabilities of state bodies and civil society institutions in the fight against corruption.

Decrees of the President of the Republic of Uzbekistan dated May 27, 2019 "On measures to further improve the anti-corruption system in the Republic of Uzbekistan", dated June 16, 2021 "On additional measures to ensure the openness of the activities of state bodies and organizations, as well as the effective implementation of public control", dated July 6, 2021 "On measures to create an environment of intolerance to corruption, a radical reduction in the factors of corruption in the field of state and public administration and expansion of public participation in it", resolutions dated July 6, 2021 "On additional measures for the effective organization of anti-corruption activities", dated January 12, 2022 "On measures to introduce a system for rating assessing the effectiveness of anti-corruption work" and other normative legal acts. These normative legal acts determine:

firstly, measures to improve the legal awareness and legal culture of the

population, the formation of an intolerant attitude towards corruption in society;

secondly, measures to prevent corruption in all spheres of state and public life;

thirdly, measures for the timely detection of corruption offenses, their suppression, elimination of the causes and conditions that create opportunities for them, strengthening liability for corruption offenses;

fourthly, measures to expand international cooperation in the fight against corruption.

Fourthly, the main goal of the ongoing anti-corruption measures is not only to combat the consequences of corruption, but also to eliminate the factors leading to manifestations of corruption, including work in the field of preventing corruption.

In particular, the followings have been introduced:

1) ensuring the openness and transparency of the activities of state bodies, including financial activities;

2) expansion of the list of information subject to open publication;

3) elimination of conflicts of interest in the exercise of state control over the activities of government bodies;

4) ensuring the inevitability of liability for corruption crimes;

5) strengthening the guarantees of state protection of persons reporting information about corruption offenses and their close relatives;

6) ensuring the maintenance of an open electronic register of persons found guilty of committing corruption offenses, the implementation of restrictions on persons included in it;

7) effective implementation of public control, as well as further strengthening the role of the chambers of the Oliy Majlis and political parties, the media;

8) introduction of a system for rating assessing the effectiveness of anti-corruption work;

9) reduction of the "human factor" in the public administration system, widespread introduction of digital technologies, simplification of procedures for the provision of public services, permits;

10) introduction of an open and transparent selection system that evaluates the intellectual potential, moral qualities of candidates;

11) strengthening the activities of internal anti-corruption structures (compliance control) in state bodies and departments;

12) regular training and assessment of knowledge of civil servants on corruption, introduction of a training system based on the "integrity vaccine";

13) systematic work to further improve the legal awareness and legal culture of the population in order to strengthen the intolerant attitude towards corruption in society.

At the same time, despite the systemic measures taken, cases of corruption persist in the use of budgetary funds, public procurement, capital construction, obtaining licenses and permits, allocating bank loans, and employment.

The Ministry of Justice conducted an anti-corruption expertize of 226 legislative acts, together with the relevant ministries and departments regulating construction, healthcare, higher education and public procurement issues, and identified 302 corruption factors in 75 of these documents. The categories of corruption offenses in our national legislation are also unclear. We often refer to giving and receiving bribes and other similar crimes as corruption crimes. However, as mentioned above, crimes that are not directly related to material interest can also be corruption.

Currently, the chambers of the Oliy Majlis are working on a bill on amendments and additions to the Criminal Code. The new draft Criminal Code also proposes to add a new term "corruption crimes" and specify corruption crimes with certain articles and paragraphs.

Development Strategy of New Uzbekistan: new anti-corruption challenges

In the Development Strategy of New Uzbekistan, identifying areas and sectors prone to corruption, improving the efficiency of the system for preventing corruption factors, and forming an uncompromising

attitude towards corruption in society became one of the goals of building a new Uzbekistan. The principle of “Legislation without corruption” is being implemented in the development of normative legal acts, measures are being taken to reduce the influence of the human factor and its interference in the provision of various public services, modern information technologies are being introduced in the fight against corruption.

In the Corruption Perception Index of the international organization *Transparency International* for 2021, our country improved its position by 6 points, **ranking 140 out** of 180 countries, and climbing 17 positions over the past five years. The report of the organization specifically notes that Uzbekistan serves as an example in Central Asia and has become one of the six countries in the world that have achieved the most stable growth rate over the past five years. Undoubtedly, the results of the index show that the fight against corruption in our country is irreversible, and practical and effective measures are being taken against this scourge.

The legislative base in the field of public procurement has been improved. A special information portal (www.xarid.mf.uz), a single database on public procurement has been created. As a result of the operations carried out, 5.8 trillion soums was saved. Since January 1, 2022, fully electronic procurement has been launched.

With the widespread use of digital technologies, effective mechanisms are being introduced to prevent corruption and abuse in lots of areas, such as issuing license plates for vehicles, providing notary and other public services, allocating land, and monitoring compliance with traffic rules.

Goals 83 and 84 of the Development Strategy of New Uzbekistan for 2022-2026, which is approved by the Decree of the President of the Republic of Uzbekistan dated January 28, 2022, provide for further strengthening the effectiveness of anti-corruption activities in Uzbekistan in the following areas:

- introducing of integrity standards in the civil service;
- improving the efficiency of the system for eliminating corruption factors;
- formation of an intolerant attitude towards corruption in society;
- establishing cooperation with civil society institutions in the fight against corruption;
- supporting for public control;
- strengthening of systemic preventive measures in the practice of combating corruption;
- introducing of a system of continuous improvement of knowledge of the population and civil servants in the field of combating corruption;
- ensuring the development of normative legal acts based on the principle of “legislation without corruption”.

Totally 8 clauses of the state program for the implementation of the Development strategy of new Uzbekistan in the “Year of human dignity and active mahalla” provide for direct measures to combat corruption.

Anti-corruption legislation will not be effective enough without educational and promotional measures to protect human rights. In particular, it is important to train and improve the skills of judges, prosecutors and law enforcement officers on the application of anti-corruption laws and human rights. Such activities are carried out by the National Center for Human Rights. The Center regularly conducts trainings for senior officials of courts and law enforcement agencies in the field of human rights. To date, more than 1500 judges, prosecutors and law enforcement officers have been trained within these trainings.

The fight against corruption requires the improvement of legislation and enforcement of law practice in this area, the expansion of publicity of the activities of state bodies and civil servants, as well as the strengthening of education, propaganda in the field of combating corruption and human rights, and a culture of observance of human rights.