

LAW OF THE REPUBLIC OF UZBEKISTAN

ON MEDIATION

Adopted by the Legislative chamber on June 12, 2018

Approved by the Senate on June 28, 2018

**Chapter 1. General provisions**

**Article 1. Purpose of the present Law**

The purpose of the present Law is to regulate relations in the field of mediation.

**Article 2. Legislation on mediation**

Legislation on mediation consists of the present Law and other legislative acts.

If the international agreement of the Republic of Uzbekistan establishes other rules than those provided for by legislation on mediation, the rules of the international treaty are applied.

**Article 3. The scope of this Law**

This Law applies to relations involving the use of mediation in disputes arising from civil law relations, including in connection with business activities, as well as individual labor disputes and disputes arising from family law relations, unless otherwise provided by law.

This Law does not apply to disputes that affect or may affect the rights and legitimate interests of third parties not participating in mediation, public interests.

**Article 4. Basic concepts**

The following basic concepts are used in the present Law:

**mediation** — a method of settling a dispute with the assistance of a mediator on the basis of the voluntary consent of the parties in order to reach a mutually acceptable solution;

**mediator** — a person engaged by the parties to conduct mediation;

**mediation agreement** — an agreement of the parties to mediation, achieved as a result of the use of mediation;

**agreement on the mediation procedure** — the agreement of the parties, from the moment of the conclusion of which the mediation procedure has been held;

**agreement on the use of mediation** — an agreement of the parties, concluded before the dispute arises or after it arises, about the need to resolve the dispute with the mediation procedure.

**Article 5. Basic principles of mediation**

Mediation is conducted on the basis of the principles of confidentiality, voluntariness, cooperation and equality of the parties, independence and impartiality of the mediator.

**Article 6. Principle of confidentiality**

Participants in mediation are not entitled to disclose information that became known to them during mediation without the written consent of the mediation party that provided this information to its successor or representative.

The participants of mediation cannot be interrogated as a witness about the circumstances that became known to them during the mediation, and information from them cannot be demanded concerning the mediation, except as required by law.

**Article 7. Principle of voluntariness**

Mediation is used in the case of mutual voluntary will of the parties, expressed in an agreement on the use of mediation.

Parties to a mediation have the right to refuse to use mediation at any stage.

The parties are free to choose questions to discuss a mutually acceptable agreement.

Forced reconciliation during a mediation procedure is prohibited.

## **Article 8. Principle of cooperation and equality of the parties**

The mediation procedure should be conducted with the exception of unilateral influence on the conditions of the mediation agreement.

The mediation procedure is conducted on the basis of the cooperation of the parties in order to achieve a mutually acceptable solution to the dispute.

The parties to mediation enjoy equal rights when choosing a mediator, the procedure for conducting the mediation procedure, their position in the mediation procedure, ways and means of defending it, when receiving information, in assessing the mutual acceptability of the terms of the mediation agreement and bear equal responsibilities.

## **Article 9. Principle of independence and impartiality of the mediator**

When conducting a mediation procedure, the mediator is independent. Any intervention in the activities of the mediator in the mediation procedure is unacceptable.

The mediator must be impartial, conduct the mediation procedure in the interests of the parties and ensure their equal participation in mediation, create the necessary conditions for the parties to fulfill their obligations and exercise the rights granted to them. If there are circumstances that impede the independence and impartiality of the mediator, he must refuse to conduct the mediation procedure.

## **Chapter 2. Participants in mediation and their rights and obligations**

### **Article 10. Participants in mediation**

The participants in mediation are the parties and the mediator. Parties to mediation can be both physical and legal persons.

Mediation can take place between two or more parties, as well as being conducted by one or more mediators.

The parties participate in mediation personally or through their representative in accordance with the law.

### **Article 11. Rights and obligations of the parties of mediation**

Parties to mediation may:

choose a mediator voluntarily;

abandon the mediator;

refuse to participate in at any stage of mediation;

to participate in the mediation procedure personally or through their representatives in the manner prescribed by law.

The parties to mediation are obliged to execute the mediation agreement concluded between them in the manner and time provided for by this agreement.

Parties to mediation may have other rights and bear other duties in accordance with the law.

### **Article 12. Requirements for the mediator**

The activity of a mediator can be carried out on a professional or non-professional basis.

A person who has completed a special training course on a training program for mediators approved by the Ministry of Justice of the Republic of Uzbekistan and also entered into the Register of Professional Mediators can carry out mediator activity on a professional basis.

A person who has attained the age of twenty-five years and who has agreed to perform the duties of a mediator may carry out the activity of a mediator on a non-professional basis.

A person acting as a non-professional mediator may also take a special course on a mediator training program approved by the Ministry of Justice of the Republic of Uzbekistan.

The persons cannot be the mediator:

authorized to perform public functions or equivalent to it, with the exception of notaries;

in respect of which there is a court decision that has entered into legal force on recognizing it as partially capable or incapable;

having outstanding conviction or conviction;

in respect of which the prosecution is carried out.

The activity of the mediator is not an entrepreneurial activity.

### **Article 13. Rights, duties and responsibility of the mediator**

The mediator has the right to:

when conducting a mediation procedure, hold meetings with all parties simultaneously, and with each of the parties separately, provide them with oral and written recommendations on how to resolve the dispute;

claim reimbursement of expenses incurred in connection with the mediation procedure.

The mediator must:

prior to the start of mediation, explain to the parties to the mediation its goals, as well as their rights and obligations;

when conducting a mediation procedure, act only with the consent of the parties to the mediation;

use legal means and ways to convince the parties to reach a mutually acceptable agreement on the dispute;

in the presence or occurrence of circumstances that may affect its independence and impartiality, inform the parties thereof.

The mediator may also have other rights and bear other duties in accordance with the law.

The mediator is liable to the parties for the harm caused as a result of the mediation procedure, in the manner prescribed by law.

### **Article 14. Register of professional mediators**

The Ministry of Justice of the Republic of Karakalpakstan, the departments of justice of the regions and the city of Tashkent maintain a register of professional mediators, which is posted on their official websites, as well as the official website of the Ministry of Justice of the Republic of Uzbekistan.

The basis for making a person in the Register of Professional Mediators is that he has completed a special course of study on the training program for mediators.

The register of professional mediators should contain:

the name and surname of the mediator;

location and contact details of the mediator;

the area of mediation in which the mediator specializes;

information on the language in which the mediator is able to conduct mediation procedures.

## **Chapter 3. Using and carrying out of mediation**

### **Article 15 Conditions for the use of mediation**

Mediation is applied on the basis of the will of the parties.

Mediation can be applied out of court, in the process of consideration of the dispute in court, before the court is removed to a separate (advisory) room for the adoption of a judicial act, as well as in the process of execution of judicial acts and acts of other bodies.

Mediation can also be applied in a dispute resolution process in an arbitration court before a decision is taken by an arbitration court.

In the case of the use of mediation in the process of execution of judicial acts and acts of other bodies, the mandatory participation of a mediator, carrying out activities on a professional basis, is required.

The fact of participation in mediation cannot serve as evidence of admission of guilt.

### **Article 16. Agreement on the use of mediation**

The agreement on the use of mediation is concluded in writing in the form of a clause in the contract, which is part of the contract, or in the form of a separate agreement.

The agreement on the use of mediation should contain a provision stating that all or certain disputes that have arisen or may arise between the parties are subject to resolution by means of a mediation procedure.

The agreement on the use of mediation may contain information on the subject of the dispute, on the procedure for conducting the mediation procedure, on the conditions for the parties to participate in the costs associated with its conduct, on the timing of the mediation procedure.

#### **Article 17. The actions of the state body during the mediation procedure in the case**

In cases stipulated by law, the authorized state body may, postponing the proceedings, set a date for the mediation procedure. In the case of the mediation process in the process of execution of judicial acts and acts of other bodies, during its execution the enforcement proceedings are suspended.

When conducting a mediation procedure, direct intervention by a state authority is prohibited.

The specifics of the mediation procedure after the initiation of proceedings in court are determined by procedural legislation.

The mediation agreement reached by the parties during the mediation procedure during the trial, during the consideration of the dispute by the authorized state body, shall be immediately sent to the court or to the authorized state body in whose proceedings the relevant case is.

The mediation agreement reached by the parties in the process of execution of judicial acts and acts of other bodies is immediately forwarded to the state executor, in the production of which there is an executive document.

When a dispute is resolved by a mediation agreement in the manner of mediation, the paid state fee shall be returned, with the exception of cases of concluding a mediation agreement in the process of execution of judicial acts and acts of other bodies.

#### **Article 18. Application of mediation in a dispute with the participation of a state body**

In the event of a dispute involving a state body, the state body should take measures to apply mediation.

#### **Article 19. Starting of the mediation procedure**

The mediation procedure begins on the day the parties conclude an agreement on the mediation procedure.

#### **Article 20. Agreement on mediation procedure**

The agreement on the mediation procedure is drawn up in writing.

The agreement on the mediation procedure must contain the following information:

about the parties;

about the subject of the dispute;

on the procedure of the mediation procedure, mediator, obligations agreed by the parties, terms and conditions for their implementation;

the language, place and date of the mediation procedure;

about the duration of the mediation procedure.

#### **Article 21. Suspension of the limitation period**

During the mediation procedure, the limitation period is suspended.

#### **Article 22. The order of the mediation procedure**

For the mediation procedure, the parties, by mutual agreement, choose one or several mediators.

The procedure for the mediation procedure is established, as a rule, by an agreement on the mediation procedure.

When conducting a mediation procedure, the mediator does not have the right to place any of the parties in an advantageous position, nor detract from the rights and legitimate interests of one of the parties.

### **Article 23. Duration of the mediation procedure**

The duration of the mediation procedure is determined by the agreement on the mediation procedure. At the same time, the mediator and the parties must take all possible measures to ensure that the mediation procedure is completed within a period of not more than thirty days. If necessary, by mutual agreement of the parties, the period of the mediation procedure can be extended up to thirty days with exception as provided for in [part two](#) of this article.

In the process of execution of judicial acts and acts of other bodies, the term of the mediation procedure is no more than fifteen days.

### **Article 24. Termination of the mediation procedure**

Mediation is terminated due to the following circumstances:

- conclusion by the parties of a mediation agreement;
- the impossibility of reaching a mutually acceptable solution to the dispute;
- entering into an agreement of the parties to terminate mediation without reaching agreement on the differences (if there is a written agreement on the conduct of the mediation procedure);
- a statement by a party to refuse to continue mediation;
- expiration of the mediation procedure.

### **Article 25. Restrictions on mediation**

When applying mediation, the mediator is not entitled to:

- to be a representative of a party in connection with the same dispute, except as required by law, and mutual consent to his participation;
- provide any party with legal, consulting or other assistance;
- conduct the activity of a mediator if he is personally (directly or indirectly) interested in its result, including being in a kinship relationship with the person who is one of the parties, except in cases of mutual consent to his participation;
- make public statements on the merits of the dispute without the consent of the parties.

### **Article 26. Confidentiality of information relating to mediation**

The parties, the mediator, as well as other persons who were present during the mediation procedure, regardless of whether the proceeding is connected with the dispute that was the subject of mediation, shall not have the right to refer, if the parties have not agreed otherwise, to:

- the proposal of one of the parties to apply mediation, as well as the willingness of one of the parties to participate in its conduct;
- opinions or suggestions expressed by one of the parties regarding the possibility of resolving the dispute;
- confessions made by one of the parties during the mediation procedure;
- the willingness of one of the parties to accept the proposal of the mediator or the other party to settle the dispute.

### **Article 27. The condition for disclosure by the mediator of information relating to mediation**

If the mediator received information from one of the parties relating to mediation, he may disclose such information to the other party only with the consent of the party that provided the information.

### **Article 28. Payment for the activity of a mediator**

The activity of a mediator on a professional basis can be carried out for a fee or free of charge.

The activity of a mediator on a non-professional basis is free of charge.

Nonprofessional mediator can be reimbursed for expenses incurred by him in connection with the mediation procedure, including the cost of travel to the place of consideration of the dispute, accommodation and meals..

Payment and reimbursement of expenses shall be made by the parties in equal shares, unless they have agreed otherwise.

If the mediator refuses to conduct the mediation procedure, he is obliged to return the money paid to him by the parties to the mediation.

#### **Article 29. Mediation agreement**

If the parties reach a mutually acceptable solution based on the results of the mediation procedure in relation to a dispute or the conditions and terms of fulfillment of obligations between the parties, a written mediation agreement is concluded.

A person in whose interests a lawsuit is filed by a state or other body is entitled to conclude a mediation agreement without the participation of this state or another body.

The mediation agreement is binding on the parties to it and is executed voluntarily by them in the manner and within the time frame stipulated in it.

If the mediation agreement is not fulfilled, the parties are entitled to apply to the court for the protection of their rights.

The consequences of failure to execute a mediation agreement may be established by the parties in the same agreement.

### **Chapter 4. Final provisions**

#### **Article 30. Dispute resolution**

Disputes arising in the field of mediation are resolved in the manner prescribed by law.

#### **Article 31. Responsibility for violation of the legislation on mediation**

Persons guilty of violating legislation on mediation are responsible in the prescribed manner.

#### **Article 32. Ensuring the execution, communication, explanation of the essence and meaning of this Law**

The Ministry of Justice of the Republic of Uzbekistan and other interested organizations should ensure the execution, communication of the performers and explanation among the population of the essence and meaning of this Law.

#### **Article 33. Bringing legislation in line with the present Law**

The Cabinet of Ministers of the Republic of Uzbekistan shall:  
bring the decisions of the government in accordance with the present Law;  
ensure the revision and cancellation by the public administration authorities of their regulatory and legal acts that are contrary to the present Law.

#### **Article 34. Entry into force of the present Law**

The present Law comes into force on January 1, 2019.

**President of the Republic of Uzbekistan SH. MIRZIYOYEV**

Tashkent city,  
July 3, 2018,  
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