



REPORT

**of the Authorized Person of the
Oliy Majlis for Human Rights
(Ombudsman)**

for 2003

Tashkent – 2004

REPORT

on the activity of the Authorized Person of the Oliy Majlis for Human Rights for the year 2003

The activity of the Authorized Person of the Oliy Majlis for Human Rights in 2003 was realized in the conditions of reforming the legal base of legislative branch of the government, improving the national legislature, further development of democratic institutes, involvement of public sector and mass media on the principles of social partnership into the process of building of civil society, deepening of the partnership of the Republic of Uzbekistan with foreign countries and international organizations.

While working out the new forms and priorities, the parliamentary Ombudsman has oriented in its activity on improving the legislature in the sphere of human rights and monitoring of its execution, finding of new mechanisms of restoring of the violated rights, activization of the work of regional representatives, broadening public relations and international cooperation.

Improving the national legislation in the sphere of provision of human rights and freedoms, conducting of monitoring over the fulfillment

According to the part 2 of the article 1 of the Law of the Republic of Uzbekistan “On the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman)”, the parliamentary Ombudsman is obliged to facilitate the improvement of national legislation on Human Rights and adapt it to international legal norms.

During the year 2003, the Authorized Person of the Oliy Majlis for Human Rights made proposals and notes to the drafts of laws concerning the provision and protection of rights and freedoms of citizens, actively cooperated with parliamentary committees and commissions, with the Institute of Monitoring of the Current Legislation under the Oliy Majlis, ministries and agencies, National Center of the Republic of Uzbekistan on Human Rights, scientific-research centers, higher educational establishments and other organizations.

The Authorized Person of the Oliy Majlis for Human Rights took part in the preparation of bills “On Regulations of the Senate of the Oliy Majlis of the Republic of Uzbekistan”, “On Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”, “On Using and

Protecting the Emblem of Red Cross and Crescent”, “On Private Enterprise”, “On Bank Secrets”, “On Currency Regulation”, “On Electronic Document Filing”, “On Electronic Commerce”, and also in bringing amendments and additions to the Law “On Constitutional Court of the Republic of Uzbekistan” and “Criminal Code of the Republic of Uzbekistan”.

Taking into account the necessity of honoring the election rights of citizens, the office of the Authorized Person has conducted the examination of bills “On Amendments and Additions into the Law of the Republic of Uzbekistan “On the Elections to Regional, District and City bodies of People’s Deputies”, “On the Election of the Chairman (aksakal) of Neighborhood and his/her Advisors”, and suggestions to these bills were sent to the appropriate committees of the Parliament.

In order to work out proposals, aimed at improving legislation, the Authorized Person of the Oliy Majlis for Human Rights, regularly holds monitoring of current situation in the field of provision of human rights and freedoms.

The state program of the reforming of healthcare system is worked out and is successfully implemented in Uzbekistan. One of its main tasks is to improve and strengthen the system of primary medical aid in the rural areas, to change the structure of rural healthcare system. Due to this, the monitoring of the execution of the Law of the Republic of Uzbekistan “On Citizens’ Health Protection” concerning the provision of patients’ rights in Samarkand, Ferghana, Andijan and Namangan provinces was held in 2003.

The purpose of monitoring was to reveal the reasons and conditions, which cause the violation of citizens’ rights to enjoy qualified medical service, informing of population and medical staff about the rights of patients, studying the practice of law observation in the sphere of state bodies and bodies of healthcare system.

Results of monitoring, and also social survey of medical staff, patients and population of estimated provinces have designated a number of reasons, constraining the effective realization of the basic directions of “Concept of Reforming the Healthcare System in 1998-2005”. The basic directions of this concept are: absence of forecasting of the demand in various categories of the medical staff; insufficient social protection of the medical staff; low material-technical base of TPE (treatment establishments); insufficient provision with drugs, cost materials and diagnostic equipment; weak control of performance of contract obligations of TPE in respect of granting free of charge medical aid; poor forms and methods of informing work in the healthcare system; low information and legal literacy of medical staff and population; absence of the institutes of out of court protection of rights of patients and medical staff.

Monitoring confirmed the necessity of perfecting the mechanisms of realization of legal acts in the field of the protection of the citizens' health, creation of the control system of the provision of free and available medical aid, guaranteed volume and quality of medical services to for population, entering the standards of medical service, organization of TV and Radio broadcasts, publication in mass media, aimed to enlighten of the population in the sphere of provision and protection of patients' rights.

Analytical report on monitoring submitted for study and consideration of appropriate measures according related recommendations to the Ministry of Public Health of the Republic of Uzbekistan, regional centers of the Ministry and regional Representatives of the Ombudsman.

Works on the Complaints of Citizens

In 2003, the Authorized Person of the Oliy Majlis for Human Rights (ombudsman) received **5807** applications of citizens, including **3033** – by mail, **2774** – via reception, **1345** of which received oral explanations and consultations (annex 1).

600 citizens received juridical consultations and explanations by the confidential phone.

1390 applications on violation of human rights and freedoms were taken under control, and 320 of them were solved positively, others are under consideration (annex 2).

80 applications, from the number of appeals, taken under the control in pre-report period, were solved positively.

With the assistance of the representatives of the Authorized Person of the Oliy Majlis for Human Rights, more than **70** on-the-spot investigations were held on appeals of the citizens.

1210 appeals were received from international legal organizations and foreign citizens on the questions of human rights provision in the Republic of Uzbekistan, and also **18** applications, concerning the cases of the citizens of foreign countries, **6** of them were solved positively, and the rest of them received assistance in restoring the violated rights.

In the report year, the Authorized Person of the Oliy Majlis for Human Rights made **14** conclusions, **6** of them were sent to the Supreme Court, 4 of them to the General Prosecutor's Office, **1** to the Ministry of Internal Affairs of the Republic of Uzbekistan, **2** were sent to the Tashkent City Prosecutor's Office, **1** – to the Tashkent City Court of Civil Affairs. All conclusions received detailed answers.

The Authorized Person of the Oliy Majlis for Human Rights together with the officers of its regional divisions and representatives of partner organizations held more than **80** on-the-spot meetings, also visiting prisons, observed the course of judicial processes on 40 criminal and civil cases.

The analysis of the complaints of the citizens to the Ombudsman, shows the increasing tendency of appeals from Tashkent city, Samarkand, Kashkadarya, Ferghana, Andijan, Djizzak, Navoi provinces, the Republic of Karakalpakstan (annex 3). Most of this received applications were concerning the questions of legal provision and order, medical service of population, provision of social security, labor rights protection, which determined the organizations, that the Authorized Person had to work with during the year, in order to solve this complaints (annexes 4-7).

2294 appeals concerning the activity of courts, **1203** appeals on the actions of law-enforcement officers were received for the past period.

The analysis of appeals on the questions of law violation in the sphere of fair trial indicates that most of them are connected with very long case proceeding, bureaucracy, in objectiveness of investigation and court officials, contradiction of court decisions, that fail to be executed, illegitimate investigation methods and with right abuse of those under trial.

In the field of labor law, citizens express their disagreement by firing, transferring to another job, with the actions of work administration, organization, where they work, with salary delays, with the decisions and rulings of the court concerning this category of rights.

In the field of social rights, most of the appeals are connected with the realization of right on receiving welfare payments, violation of retirement procedure, disability, pension amount calculation violations, as well as medical aid questions.

Regarding housing-municipal matters **357** appeals of citizens were received, which are mainly related to the questions of receiving housing, municipal service, apartment repairs, activity of the owners' cooperative practice.

208 appeals were connected with the disagreement over the court decisions, actions of khokimiyat officials, officials of shirkat (collective) enterprises and citizens' self-governing bodies.

Concerning the protection of citizens' rights on freedom of movement, the Ombudsman has received **236** appeals, concerning the residence registration, citizenship, violation of passport issuing procedure, and also other personal identity documents.

In the sphere of entrepreneur's rights' provision, **84** appeals were received, **22** of them were on assistance in getting credit for the development of their activity.

61 appeal were received concerning the educational matters, **49** appeals – on the provision of military officers, law-enforcement officers and court official rights, **16** appeals – on indexation of finances, **7** appeals – concerning the improvement of legislation, **51** appeals – on women rights' abuse, **19** appeals – on children rights' abuse, **237** appeals – on family and life matters, **305** appeals – on other reasons.

The analysis of appeals indicates, that disagreement with the actions and decisions of officials of law enforcement bodies and courts, like in previous years, is still urgent and requires further studying in the process of realizing judicial-legal reform in the country.

The Activity of Regional structures of the Institute of Parliamentary Ombudsman

Step by step decentralization of the activity on dealing with citizens' appeals, raising legal awareness, monitoring conduction, contributed the effectiveness of work on increasing the legal awareness of population, including officials, to prevent them from human rights violation in the process of their work.

Regional representatives were elected in four provinces of the country; authorities of those provinces issued the decrees on their material and resource support. At present, a number of methods is being realize in order to implement these decisions.

The Ombudsman representatives took part in the activities, held by courts and Prosecutor's offices, by the representatives of Conrad Adenauer Foundation, programs of EuropeAid and the World Health Organization, and also actively participated in international contracts.

Regional representative of the Ombudsman in Tashkent city underwent the study, organized by the office of UN High Commissioner on Refugees in Tashkent; representative from Bukhara province had his internship in Poland on the matters of penitentiary system collaboration; representative from Ferghana province participated in the seminar, held in Germany, on the matters of struggle with fundamentalism; representative from Syrdarya province – exchanged the work experience on the meeting with the representatives of foreign human rights structures in Armenia; Khorezm regional representative took part in the activity, conducted under auspices of UN in Azerbaijan; Samarkand regional representative discussed the problems of gender equality insurance on the OSCE regional seminar in Kyrgyzstan.

During the report year regional representatives of the Ombudsman considered more than 800 appeals, which are classified by the identical categories of appeals, received by central office (annexes 8-10).

It should be noted that local government bodies continued the work on implementing the Decree of the Oliy Majlis of the Republic of Uzbekistan № 232-II from May 12, 2001, in the frameworks of which the regional representatives of Bukhara and Tashkent provinces provided information on the situation in the field of Human Rights during the regional Kengash of People's Deputies sessions.

The Development of Relations with Partners, Public and Mass Media

The matters of the legal awareness of population, including government officials and especially law enforcement structures were the main priorities of the Institute of Parliamentary Ombudsman.

According to the provisions of the State program “The Year of Mahalla”, the Parliamentary Ombudsman and its regional representatives focused on enlightenment-explanatory works in the regions, holding it in close interaction with the self-government bodies of citizens.

Most of the contacts with the population took place in the process of the monitoring researches, conferences, seminars, “round tables”, topics and discussed matters of which were taken from the received appeals and the results of surveys, held in the cooperation with the public opinion research Center “Ijtimoiy Fikr”.

The book “The Monitoring of Human Rights” was published on Russian with the assistance of Conrad Adenauer Foundation. It contains materials of international conference on the matters of monitoring of different categories of human rights and freedoms, and also articles and speeches made by local and foreign specialists in the sphere of Human Rights protection. This book was sent to educational and scientific institutions, libraries, law-enforcement bodies, national and foreign partners of the Parliamentary Ombudsman, was distributed during the seminars and meetings with the population, during the visits of penitentiary establishments. At the present time, the additional edition of this book on Russian is planned for its overseas distribution. The edition of the above book on Uzbek language is in the process of preparation.

The Authorized Person of the Oliy Majlis for Human Rights and their staff continued the activity of meeting directly with organizations and law-enforcement bodies. This kind of meetings were held with staff of the State Tax Committee, the Ministry of Emergency, the Central Bank of Uzbekistan, regional structures of Uzbekistan Women Committee, with youth in educational institutions and specialized structures of the capital and other regions of the country. The staff of the Ombudsman regularly conducts lectures to the students of the Academy of State and Social Construction under the President of the Republic of Uzbekistan and to the students of Tashkent Islamic University.

The “round-table» dedicated to the problems of reconciliation of former prisoners with the participation of foreign specialists, was organized in collaboration with Tashkent region Khokimiyat, representative office of Conrad Adenauer Foundation, law-enforcement bodies and public organizations. During this discussions, experience of Germany (magistrate

of Leipzig) concerning the social rehabilitation of former prisoners, was demonstrated.

The Authorized Person and its regional representatives took active participation in the seminars and conferences organized by the Constitutional Court and the General Prosecutor's Office, and also in the trainings, held by the Head Department on Punishment Execution (GUIN) of Ministry of Internal Affairs together with ODIHR OSCE and organization "International Penal Reform".

Active interaction is being realized with the Institute of Strategic and Interregional Studies under the President of the Republic of Uzbekistan in the sphere of organization of scientific and research works, connected with the implementation of different programs and projects on realization of democratic and liberal processes in Uzbekistan.

Regular meetings on human rights protection theme have become a tradition at the Educational Center under the General Prosecutor's Office, at the Educational Center of the Federation of Trade-Unions of Uzbekistan. During these meetings listeners receive information about the activities of the Ombudsman, Parliament and democratic institutions on human rights.

For the past period, the work aimed on improvement of work with mass media is being successfully realized. During the year, representatives of mass media took active participation in almost all meeting of the Ombudsman.

Information on the activity of the Authorized Person of the Oliy Majlis for Human Rights is placed at the Internet sites.

The Activity of Ombudsman in the sphere of International Cooperation

Year by year the cooperation between the Institute of the Authorized Person of the Oliy Majlis for Human Rights and foreign colleagues, international organizations on human rights is expanding. This sphere of activity of the Ombudsman allows to introduce with international standards in the field of Human rights and the activity of democratic institutes, to inform international community about the processes of deepening democratic reforms in Uzbekistan, particularly in the sphere of observing and protecting the human rights.

In the report year, the Authorized Person of the Oliy Majlis for Human Rights organized **25** receptions of the representatives of foreign states and international organizations, including official delegations of Sejm of Poland, Senate of France, Ministry of Justice of Germany, USA, Ministry of Foreign Affairs of Switzerland, European Regional Bureau WHO, ODIHR OSCE, and also the chairman of the Supreme Court of Georgia, ambassadors of Poland, Slovakia, Sweden in Uzbekistan, head of

OSCE Center in Tashkent, representatives of UNDP, representatives of the Embassies of Germany, Switzerland and Japan.

At the present time, relations with the ombudsmen of more than **40** countries of the world are established, including countries of Europe, Asia, CIS, and America. A great attention was paid to the deepening of bilateral contacts with foreign institutes of the Ombudsman and other right protecting organizations, which was facilitated by the exchange of experience and the materials on the protection of human rights and freedoms on regular base.

The activity on dealing with appeals and requests of foreign colleagues was started (including the Commissioner for Human Rights in Russian Federation, the Commissioners for Human Rights of Sverdlovsk and Lipetsk regions of Russian Federation, the Commission on Human Rights under the President of the Republic of Kazakhstan and others).

For the past year the Ombudsman continued the partnership with the International and European Ombudsman Institutions. Mutual activity of the Ombudsman of the Oliy Majlis with these institutions was realized by the exchange of information, materials, proper literature, by participation in elections of leading executives, and also in other conducted arrangements.

One of the examples of the successful leadership of the Authorized Person for Human Rights with the European Ombudsman Institute Ombudsman (EOI) is the publication of articles in the bulletin "European Ombudsmen Newsletter", dedicated to the activity of parliamentary Ombudsman of Uzbekistan. The information about the cooperation with the Parliamentary Ombudsman of Sweden and the visit of Swedish expert for exchange of experience and for cooperation in preparation of bill "On the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman)" in new edition was also placed in this publication.

In recent time the proposals on establishing of permanent cooperation with the Ombudsmen of Spain, Slovakia, Azerbaijan are in the stage of discussion and coordination. Proposals and notifications to the projects of National Plan of Action on realization of recommendations of Special Rapporteur on Tortures of UN Commission on Human Rights Theo van Boven, Individual Plan of Action of Partnership between the Republic of Uzbekistan and NATO, and also on ratification by Uzbekistan of Optional Protocol to the Convention of UN against tortures (1984) are prepared. In the report year Ombudsman participated in the work of fourth meeting of the Committee of Parliamentary partnership "Uzbekistan – EU", which was held on May 21, 2003 in Samarkand. During the meeting besides other matters, issues on the establishment of democratic institutes and human rights provision were discussed. There were broad discussions on these issues with the participation of the representatives of law enforcement bodies.

In May of the report year in the frameworks of the project “Support to Democracy in Uzbekistan” the study trip of the Ombudsman and two of his officers took place within the parliamentary group to Italy and Sweden to exchange experience and for learn the activity of the Parliaments of two countries, regional ombudsmen of Italy and the Parliamentary Ombudsman of Sweden.

The Authorized Person of the Oliy Majlis for Human Rights within the parliamentary delegation in October 2003 took part in international seminar for parliamentarians of Central Asian countries in Berlin, which was organized by G. Marshall European Center on Security. During the visit, there was meeting organized with the Commissioner for the Armed Forces of German Bundestag, where the necessity of deepening of cooperation between the institutes of two countries was noted.

The partnership with the Office of UN High Commissioner on Human Rights was started, which was expressed in the exchange of materials, literature on human rights. The prominent event was the visit of UN Deputy High Commissioner on Human Rights to the Ombudsman in March last year, in the course of which the terms of cooperation in the sphere of Human rights were discussed.

The cooperation of the Authorized Person of the Oliy Majlis for Human Rights with ODIHR OSCE and the OSCE Center in Tashkent was continued. This cooperation was aimed at designing the draft law “On the Authorized Person of the Oliy Majlis for Human Rights” in new edition, organization of trainings, participation in events, dedicated to human rights and freedom, in particular, the training of penitentiary system staff exchange of bibliography and files on human rights.

The year 2003 was also characterized by the development of international cooperation of regional ombudsman representatives, which was realized in the form of participation with reports in conferences, seminars, trainings, held abroad, and also in organization of meetings and talks with the representatives of international organizations, who have visited the regions of the country. Regional representatives of Ombudsman organized meetings with the delegation of ODIHR OSCE, representatives of OSCE Center in Tashkent, Conrad Adenauer Foundation.

In the reported year the officer of Secretariat and a member of Expert council under the Ombudsman participated in the Regional Training Programme on Women Rights, organized by Raoul Wallenberg Institute of Human Rights and Humanitarian Law (Sweden).

Paying great attention to information exchange with international community and foreign colleagues on activity of the Authorized Person of the Oliy Majlis on Human Rights, the office of Ombudsman had sent the publications of parliamentary ombudsman and the report for year 2002 and the book “Human Rights Monitoring” to different international and human

rights protection organizations, ombudsmen and human rights institutions, embassies of more than 50 countries of the world.

In the frameworks of mutual exchange of information annual reports and materials on human rights were received from the Commissioner for Human Rights of Council of Europe, Ombudsmen and Human Rights Institutions of European Union, Denmark, France, Sweden, Finland, Poland, Slovenia, Czech Republic, Russia, Romania, Korea, Albania, Mexico, Macao (China), Hong Kong (China), Ontario Province (Canada) and etc.

Conclusion

For further improvement of the activity of the Institute of the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman) it is necessary to:

- Prepare draft of the law of the Republic of Uzbekistan “On the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman)” in new edition and Act on Regional Representative of the Ombudsman;
- Improve the methodology of monitoring in the sphere of human rights and freedoms protection, including regional representatives of the Ombudsman;
- Strengthen interaction with the structures of executive branch of government, judicial and law enforcement bodies, public sector and mass media on the base of the principle of social partnership.

Further improvement of the activity of the Institute of the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman) will allow to strengthen and fill with the new meaning the forms of parliamentary control with the purpose of providing constitutional rights and freedoms of citizens.

The full text of the Report of the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman) for 2003 is available at the Secretariat of the Ombudsman.