



REPORT

**on the activity of the Authorized Person of the Oliy Majlis of
the Republic of Uzbekistan for Human Rights (Ombudsman) for 2004**

Introduction

The activity of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) in the reporting period was conducted in the conditions of intensification of democratization and liberalization processes in the country, reform of the institutions of the national state system, further improvement of legislation, development of democratic institutions, active involvement of public sector and mass media into the processes of formation of the civil society, expanding cooperation between the Republic of Uzbekistan and other foreign countries, international institutions and organizations.

Improvement of the National Legislation in the Field of Provision of Human Rights and Freedoms, Conducting Monitoring of its Observance

In the exercise of the authorities over assisting the development of the national human rights legislation and bringing it to conformity with the international norms, during the reported period the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights made proposals on the drafts of laws in the field of provision and protection of citizens' rights and freedoms, actively cooperated with the parliamentary committees and commissions, the Institute of Monitoring of the Current Legislation under the Oliy Majlis, ministries and agencies, National Center of the Republic of Uzbekistan for Human Rights, scientific-research centers, higher educational establishments, and other organizations.

The Authorized Person of the Oliy Majlis for Human Rights participated in drafting the bills "On protected natural lands", "On farming", "On the status of a Deputy of the Legislative Chamber and a Senator of the Oliy Majlis of the Republic of Uzbekistan", "On the Status of the Members of Oblast, District and City Kengash of the People's Deputies" and others.

Substantial work was completed by the institute of Ombudsman pertaining to development and approval of the new Law of the Republic of Uzbekistan "On the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)" at its fifteenth session of the Parliament of the second convocation.

With a view to work out proposals aimed at improvement of the legislation, the Parliamentary Ombudsman conducted a regular monitoring of observance of citizens' rights and freedoms. Supervisory activity was implemented with the assistance of regional representatives of the Ombudsman, representatives of the national human rights institutions, non-governmental organizations, law scholars, sociologists, journalists, and officials at all levels. Within the whole

period under report the systematic monitoring was conducted on observance of rights of detainees and prisoners in institutions of penalty execution in all parts of the country.

Numerous applications of citizens addressed to the Ombudsman concerning violations of their rights in the judicial area were laid as the basis for conducting monitoring of observance of citizens' right to access the justice in five regions of the country. Problems and difficulties that are encountered both by judges at administration of justice, and citizens at applying to the court for protecting their rights, were identified.

During the reported period a monitoring on execution of Laws of the Republic of Uzbekistan "On Citizens' Applications" and "On the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)" was regularly carried out in all regions of the country.

During the monitoring lacks were revealed in law enforcement activity in the regions of the country, and ways to solve problems in the sphere of ensuring human rights were defined. Based on the results of researches, reports were prepared for relevant organizations and bodies concerning the reasons and conditions causing violations of human rights, as well as recommendations on their elimination were developed.

Activity on Consideration of Citizens' Applications.

The overall analysis of the applications submitted in 2004 testifies to the increasing level of sense of justice and social-political activity of population, large scale of the implementation of new instruments and mechanisms in the sphere of management, effective operation of the governmental institutions and public bodies, including the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman).

During the year the Authorized Person of the Oliy Majlis for Human Rights received **6311** applications (in 2003 – 5807), including **3324** by mail, and **2987** received in person. Within the reported period legal consultations and explanations were provided to **1253** citizens, and to over **1500** citizens - "hotline" (Annexes 1-2).

Among the applications addressed to the Ombudsman regarding violations of rights, freedoms and legitimate interests of citizens, **1899** (**1390** in 2003) were taken under control. **470** of them (**320** in 2003) were solved positively during the reported period, the others are on execution (Annex 3).

Within the period under report the Authorized Person of the Oliy Majlis for Human Rights made **9** conclusions, among which **2** were directed to the Supreme Court, **2** – to the Office of the Prosecutor General, and the others - to various organizations, ministries and agencies of the Republic of Uzbekistan. Following all the conclusions these bodies and institutions implemented all necessary counter-measures and responded in a well-grounded manner.

The Authorized Person of the Oliy Majlis for Human Rights in cooperation with his/her regional branches and representatives of partner organizations held over **110** field meetings, including on-site inspection of imprisonment institutions, and supervised legal procedure on **55** criminal and civil cases.

The analysis of the complaints to the Ombudsman demonstrates the increasing tendency of applications from Tashkent city, as well as in Surkhandarya, Kashkadarya, Tashkent and Andijan provinces (Annex 4).

Most of the received applications deal with the provision of justice and order, social welfare, labor rights protection and others.

During the last period **2325** applications from citizens on the activity of the judiciary were considered. The basic amount of them related to the activities of district and province courts. In their applications citizens expressed disagreement with the court sentences or court decisions, unreasonable refusal to accept the writ, prolonged legal investigation, infringement of right to legal defense and non-execution of court decisions (Annex 5).

The Ombudsman received **1245** applications from citizens on actions of law enforcement bodies, that expressed disagreement with detention, holding in custody, and bringing to criminal liability, with investigation progress and procedure, actions of law enforcement officers, including penal system, as well as their negligence to the appeals of citizens concerning various issues (Annex 6).

401 applications were received in the field of labor rights provision, in which citizens expressed their disagreement with discharge or transfer to another job without employee's consent, actions of employers from institutions, organizations and enterprises where they work, court decisions and rulings concerning protection of this category of rights. They also made complained of delays in salary payment (Annex 7).

There were **262** applications received concerning the enjoyment of a right to social welfare payments, doles, violation of retirement procedure, disability, as well as violations regarding pension amount calculation (Annex 8).

Concerning housing-municipal matters **307** applications were received that basically related to the issues of provision of housing, low quality of public utilities, absence of heating in a winter time, absence of hot and cold water, gas and electricity, repair in the houses, and activities of housing proprietors' associations (Annex 9).

In respect of protection of citizens' rights to freedom of movement, **316** applications were addressed to the Ombudsman concerning the residence registration, acquisition of citizenship, deportations, violations of passport issuing procedure, and that of other personal identity documents (Annex 10).

In the sphere of ensuring rights of entrepreneurs and business development, **123** applications were received, including those on matters of assistance in obtaining a credit for development of activity. There were **110** applications considered dealing with rights of military personnel, law enforcement officers and personnel of courts, as well as **86** applications on educational matters and **1060** - on other issues (annex 11).

76 applications were addressed concerning provision of qualified medical assistance to population, disagreement with the actions of medical officers and diagnosis defined (Annex 12).

The results of studying of applications from citizens addressed to the Authorized Person of the Oliy Majlis for Human Rights during this period allowed to reveal a number of reasons causing gross violations of citizens' rights and freedoms:

- *Out-of-date level of ministerial supervision over subordinate branches on execution of their direct duties on ensuring protection of human rights;*
- *Insufficient level of participation of civil society institutions in public control over the activity of governmental bodies, including law enforcement bodies;*
- *Poor coordination of the activity of state and public bodies in the field of legal education of citizens, establishment of a legal system training for various categories of the population.*

It should be noted as a positive change that the applications received by the Parliamentary Ombudsman are becoming more personalized and grounded. Besides personal problems the applicants laid down their comprehension of how to solve certain governmental or public matters, suggest ways for improvement of the current legislation, activity of law enforcement bodies and local state authorities.

Activity of the Regional Branches of the Ombudsman.

The policy of building civil society through gradually enhanced participation of community in resolving public issues, as well as step-by-step decentralization of work on consideration of received applications, resulted in a further development of the institute of regional representatives of the Ombudsman and empowered them with additional authorities over the issues of human rights observance. These authorities are carried out in the context of ongoing processes of liberalization and democratization of all spheres of public life in the country.

During the year a number of measures was taken aimed at execution of decisions on overall support of regional representatives, including cooperation of local authorities with the offices of the Authorized Person for Human Rights, in the course of which the regional representatives made speeches at the sessions of Oblast Kengash (Regional Council) of the People's Deputies. They presented information on situation in the sphere of human rights. Almost all regional representatives or members of their expert groups underwent training organized together with the OSCE Center in Tashkent, lectured by experts from a number of foreign Ombudsman institutions and international organizations. Consistent work was implemented on the creation of local computer network of the Ombudsman, with central office and regional representative offices to become its components.

Regional representatives from a number of provinces were engaged in active cooperation with parliamentary committees and commissions in the course of exercising their control functions. Regional representatives took the most immediate participation on the territories where systematic monitoring campaigns on exercising certain categories of rights were implemented.

At the same time regional representatives carried out monitoring research on the issues of observance of human rights on all territories. They also exercised control over the realization of actions on elimination of the shortages identified as a result of undertaken studies.

Regional representatives of the Ombudsman considered **1465** applications during the period under report (in 2003 - over **800** applications), which are per se identical to those addressed to the Ombudsman (Annexes 13-14).

Development of Relations with Partners, Public and Mass Media.

The issues of legal awareness of the population remained the main priorities of the activity of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights.

The Ombudsman and his regional representatives developed collaboration on the principles of social partnership with bodies and agencies of various branches of power, carried out on-site educational and explanatory work in close interaction with local self-government institutions.

The agreement on partnership and cooperation on ensuring the constitutional human rights and freedoms was concluded in 2004 with the Ministry of Internal Affairs of the Republic of Uzbekistan, It enabled the Ombudsman to significantly expand at large methods and instruments for ensuring human rights at various stages of criminal investigation process followed by law enforcement bodies, while using new modes of practice.

Within the reported period the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights took active part in the events organized by parliamentary committees and commissions, counterparts, and EuropeAid Programme Project on “Further Deepening the Democracy in Uzbekistan”. In particular, scientific and practical conference on “Interrelations of the judicial and non-judicial systems of human rights protection: international experience” was held together with the Parliamentary Committee on Legislation and Judicial Matters, Supreme Court and the National Center for Human Rights of the Republic of Uzbekistan. The representatives of national and foreign law enforcement bodies took part in this event.

With assistance of partner organizations and a number of other organizations the methodical and popular literature, in particular “Monitoring of Human Rights” collection issued in official language.

Here were held regular meetings of representatives of the Authorized Person of the Oliy Majlis for Human Rights with the staff of the Office of Prosecutor General, State Customs Committee, Ministry of Emergency Situations, personnel of the Central Bank of the Republic of Uzbekistan, regional branches of Uzbekistan Women’s Committee, in the Center for Strengthening Legality and Improvement Professional Skills of Prosecution Investigatory Officers under the Office of Prosecutor General of the Republic of Uzbekistan, in the Training Center of the Council of the Uzbekistan Trade Unions Federation.

Lectures organized in the Parliament by representatives of the Ombudsman, as well as for the audience of the Academy of State and Social Construction under the President of the Republic of Uzbekistan, postgraduate and undergraduate students of the Tashkent Islamic Institute, the Tashkent State Law Institute, and the University of World Economy and Diplomacy and in other specialized educational establishments became regular.

Under the aegis of the Authorized Person of the Oliy Majlis for Human Rights institutes of the university ombudsmen were established at Tashkent Agrarian University, the National University of Uzbekistan, Samarkand State University and Samarkand Medical Institute. Parliamentary Ombudsman, members of his/her bodies and personnel of the Secretariat had regular meetings with youth in educational institutions. The Authorized Person of the Oliy Majlis for Human Rights and his regional representatives took active part in seminars and conferences organized by the Constitutional Court and the Office of Prosecutor General of the Republic of Uzbekistan.

The Ombudsman strengthened cooperation with mass media. All events organized by the Authorized Person of the Oliy Majlis for Human Rights were held with participation of mass media to be covered in newspapers and on the Internet. The information on and materials of activity of the Authorized Person of the Oliy Majlis for Human Rights were published both in periodicals of the Parliament (“Bulletin of the Oliy Majlis of the Republic of Uzbekistan”, “Halq So’zi”, “Narodnoye slovo” newspapers), of the government (“Pravda Vostoka”), in publications of partner organisations (“Postda”, “Vaqt”, “Huquq-Law-Pravo”, “Qonun Himoyasida”, “Ishonch-Doveriye” and others), as well as in the foreign mass media (“Frankfurter Allgemeine Zeitung”, “The Korea Post”, bulletins of the International and European institutes of Ombudsman and others), and in electronic mass media (web-sites of BBC, Deutsche Welle, the Russian Ombudsman, television of the city of Yekaterinburg and so on). It is planned to use facilities of modern information technologies to ensure greater transparency of the activity of the Institute of Parliamentary Ombudsman by means of posting all materials (reports, publications, agreements, news etc.) on a special web-site on the Internet within the limits of resources provided and expected grants.

International cooperation of the Ombudsman.

In the course of expanding cooperation of the Republic of Uzbekistan with foreign countries and international organization, the Ombudsman interacted collaboration with foreign partners in the sphere of human rights observance. During the last period the Authorized Person of the Oliy Majlis for Human Rights received 22 receptions of official delegations, representatives of foreign states and international organizations.

Within the period under report the Ombudsman received the Acting Chairman of the OSCE, independent expert on Uzbekistan of the UN Human Rights Commission, Commissioner of the Federal Government of Germany in Russia, Central Asian countries and Caucasus, ambassadors of Germany, Switzerland in Uzbekistan, the judge of the Constitutional Tribunal of Poland, deputy of the Bundestag of Germany, Head of the OSCE Center in Tashkent, Delegation of the US Commission on international freedom of religion, UN

Higher Commissioner on Human Rights, UN Development Program, ODIHR OSCE, international non-governmental organizations – “Human Rights Watch” and “Freedom House”, as well as representatives of UNDP, Embassy of the United States, Konrad Adenauer Foundation, French Center for Strategic and International Researches, London University, Asian Development Bank and foreign mass media.

Scientific and practical conference of the Ombudsmen from the countries of the region was held in Tashkent with the assistance of the Special Representative of Konrad Adenauer Foundation in Central Asia and Caucasus.

Agreements on Mutual Cooperation with the Ombudsmen of Russian Federation, the Republic of Azerbaijan and the Republic of Latvia were concluded in the assistance with the Ministry of Foreign Affairs of the Republic of Uzbekistan and during the visits of the Authorized Person for Human Rights and his representatives. Further cooperation is expected on contract basis with the partners from France, Spain, Republic of Korea and other countries.

The activity of the Authorized Person of the Oliy Majlis for Human Rights became much more intense in the field of consideration of applications and enquiries from foreign colleagues on the issues of assistance in restoration of violated rights and freedoms of citizens.

33 applications were received, including those from the Authorized Person of Russian Federation for Human Rights, Authorized Persons of Sverdlovskaya and Permskaya oblasts of the Russian Federation, the Republic of Tatarstan, Human Rights Commission under the President of the Republic of Kazakhstan, the Ombudsman of Kyrgyzstan, the OSCE Center in Tashkent, citizens of Russia, the Ukraine, Kazakhstan, Tajikistan, Armenia and others. The delegation of representatives of the Ombudsman of the Republic of Azerbaijan visited Tashkent for discussing the issues of exchange in experience on resolution of applications and organization of work.

Sustainable level of cooperation was achieved with the authoritative international agencies, such as International and European Institutes of Ombudsman.

During the reported period the representatives of the Ombudsman’s Secretariat took active part in the work of the Interdepartment Working Group for studying state of observance, including provisions of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of human rights by law enforcement bodies.

The Ombudsman took part in the Annual Meeting of the Committee on Parliamentary Cooperation “Uzbekistan - EU” in Strasbourg. The agenda of the meeting included the issues of formation of democratic institutions and observance of human rights.

It is worthwhile to mention the cooperation of the Authorized Person of the Oliy Majlis for Human Rights with the ODIHR OSCE, the OSCE Centre in Tashkent, and the UNDP representative office in Uzbekistan, which was aimed at assistance to the expert examination of the amended Law on the Ombudsman, training of representatives of Ombudsman, participation in human rights related activities, as well as exchange by experts, literature and materials in the field of human rights.

During the reported period regional representatives took part in international cooperation of the Ombudsman. They presented reports at conferences, workshops and trainings held abroad, and met with representatives of foreign partners and international organizations, including the delegation of UN agencies and institutions, OSCE agencies, and Konrad Adenauer Foundation who visited regions of the country. The regional representative in Andijan oblast took part in the work of the Fourth International Round Table - “Recently established national human rights institute in the Europe and CIS regions” - in the city of Vilnius (Lithuania).

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Further development of activity of the Institute of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights is related to deepening of general processes of democratization and liberalization in the country, enlarging forms of parliamentary control over resolution of issues of constitutional rights and freedoms observance, implementation of effective mechanisms for ensuring the rule of law for the sake of interests of a person in Uzbekistan, strengthening legal status of the Ombudsman and resource support.

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The full text of the Report of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) for 2004 is available at the Secretariat of the Ombudsman.