



REPORT
on the Activities of the Authorized Person
of the Oliy Majlis of the Republic of Uzbekistan
for Human Rights (Ombudsman)
in 2007

Tashkent – 2008

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Introduction

This report to the Parliament on observance of the rights and freedoms of a human being and a citizen in Uzbekistan has been prepared by the Parliamentary Ombudsman in accordance with the Article 7 of the Law of the Republic of Uzbekistan “On the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)”.

Uzbekistan’s pursuit of stability and prosperity was reaffirmed by the political commitment in course of the presidential elections in 2007. Amid growing political engagement of the people in the processes of nation-building, consistent efforts of the bicameral parliament for further reinforcement and expansion of the legislative framework and legal platform for safeguarding human rights and freedoms, the activities of the institution of Ombudsman were in line with ongoing processes of further democratization and modernization of public life in the country, enhanced role and authority of the legislative branch, improved law enforcement practices, growing weight of political parties in the society implementing the experience, forms, and mechanisms of collaboration with government bodies, non-government non-profit organizations, the media as well as government officials to safeguard constitutional rights and freedoms of country’s citizens.

Thoroughly weighed step of the President to further liberalize and democratize government policies in criminal punishment, which was reflected in abolition of death penalty and implementation of habeas corpus – transferring the right to issue arrest warrant to the courts starting January 1, 2008, search and optimization of their mechanisms for implementation amid judicial and legal reforms in Uzbekistan have had substantial impact on the lawmaking and law enforcement processes. These ongoing processes did not leave aside the parliamentary Ombudsman and other democratic institutions disengaged from assistance and active involvement in effectively safeguarding human rights and freedoms embedded in the constitution, primarily the right for life, protection from arbitrary criminal prosecution, privacy, personal immunities, and certainly, the right for fair trial.

The mandate and responsibilities delegated to the Ombudsman according to the Law on the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan, which remained relevant throughout the reporting period, and required new approaches in their implementation in light of enhancement of democratic processes, implementation of widescale reforms for country’s renewal and modernization, and emergence of the underpinnings of a civil society. In the constant pursuit of means and mechanisms to safeguard and uphold the interests of Uzbek citizens, and with the support of the parliament and national partners, in its activities the Ombudsman complied with international standards applicable to the national human rights institutions, reviewed the issues of compliance with civil and political freedoms, socioeconomic and cultural rights of an individual and a citizen.

In light of ongoing processes in the country such as emerging new class of owners and development of private farming as the main form of agricultural production, further improvement of living standards, implementation of socioeconomic rights of Uzbek citizens, jointly with national partners and a number of NGOs the Ombudsman conducted monitoring of compliance with farmers’ rights, focusing on social component and law enforcement practices of government bodies and institutions according to the Law on Farmers.

The Ombudsman’s report contains the outcomes of a calendar year-long activities of an extrajudiciary institution for safeguarding human rights, assessment and analysis of problems, remedies to the most pressing issues in safeguarding Uzbek citizens’ rights and legitimate interests, generated by comprehensive monitoring of the situation based on summary of meetings

with citizens, community meetings, monitoring, materials of scientific conferences and workshops, information on practical issues of collaboration with national and foreign partners, government bodies and civil society institutions, and the media publications.

There are statistical data attached to the annual report, which provide full coverage of Ombudsman's activities in various areas of human rights and freedoms enshrined in the constitution.

I. Improvement of the Uzbekistan's Legislation in the field of Human Rights and Monitoring of its Observance

According to the Article 1 of the Constitution, the Republic of Uzbekistan is a sovereign democratic nation. Human and civil rights and liberties are regarded as a priority in the all dimensions of the society and the state. Absolute priority of human rights is enshrined in the Article 13 of the Constitution, according to which, human being, his life, freedom, honor, dignity, and other essential rights constitute the supreme value, whereas their recognition, compliance, and protection are included in the responsibilities of the government. This article determines the implementation mechanism of human rights and freedoms in all areas of public and government activities.

For consistent implementation of the principles of rule of law, clear delineation of the competence of executive, legislative, and judicial powers, development of a civil society, the measures are being taken in Uzbekistan focused on enhancement of the reforms in nation-building and governance, judicial and legal system, and media liberalization. Democratization proceses in Uzbekistan are followed up by active lawmaking with regard to human rights. Constitutional law on Enhancement of the Role of Political Parties in Modernization and Further Democratization of the Governance and Country's Modernization, laws on Introduction Changes and Amendments to Some Legislative Acts of Uzbekistan due to the transfer of the Powers to Issue Arrest Warrants to the Courts adopted in order to further enhance the guarantees of civil and political rights, strengthen the authority of the judiciary and responsibility of prosecutors and investigators in making decisions related to deprivation of liberty are giving a new impetus in enhancement of judicial and legal reforms focused on humanization and liberalization of criminal law enforcement policies.

The norms in the adopted laws are fully compliant with universally recognized democratic principles and international legal standards, and they consistently reflect the principles of humanism and justice enshrined in the Constitution of Uzbekistan.

Amid development of the legal platform for democratic rejuvenation of governance and political structure, improving parliamentary oversight of practical compliance of all government bodies and officials with laws is increasingly important.

Being an essential component of democracy, parliamentary oversight provides for transparency and responsibility of the executive branch, and it acts as an instrument of protection against human rights violations and abuses. Parliamentary oversight enables not only to prevent offenses of citizens' rights by officials and government bodies but also to enhance effective performance of all tiers of state apparatus.

The institution of ombudsman is recognized as a democratic and effective form of parliamentary oversight in international practices. The Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan has a substantial role in implementing oversight functions over compliance with human rights legislation, as using her mandate, she facilitates not only rectification of violated rights but also improvement of the legislation of Uzbekistan. The Ombudsman is delegated the responsibility to deliver guarantees of state protection of human rights and freedoms, compliance

and respect of government bodies, local self-governance institutions, and government officials with these rights.

The review of effectiveness of the laws and conformity of legislative acts with international human rights standards, identification of the problems in implementation of the laws enables the Authorized Person for Human Rights to ensure via parliamentary procedures that the legislative acts to be adopted would not infringe human rights enshrined in the Constitution. Review of individual petitions to the Ombudsman about infringement of their rights and legal interests, monitoring of compliance with various categories of human rights on local level enabled the Authorized Person to make her recommendations based on the findings of the legal screening of draft laws, and make proposals to improve existing legislation. These activities were implemented by making respective changes and amendments, addressing gaps as well as making proposals for ratification of international human rights treaties.

The activities of the Authorized Person for Human Rights of Uzbekistan to facilitate improvement of legislation were implemented according to the Law on Authorized Person for Human Rights (Ombudsman) with the focus on the following dimensions:

- Legal screening of draft laws and issuing opinions on draft laws submitted by the parliament, government, ministries, and other agencies;
- Inviting the members of the Commission for Compliance with Constitutional Human Rights and Freedoms, of the Expert Council, staff of the Authorized Person to act as experts of the working groups for development of the drafts of respective laws;
- Referring to the entities entitled to initiate legislation or make changes and amendments into existing legislative acts based on human rights monitoring.

In the reporting period, for the purposes of protection and promotion of human rights the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan has screened draft laws proposed by the committees of the Legislative Chamber of the Oliy Majlis of Uzbekistan, submitted to the Parliament by the Cabinet of Ministers of Uzbekistan, ministries, and other government bodies. Inter alia, draft laws on “Temporary Suspension of Certain Articles of the Law on Combating Money Laundering and Financing Terrorism” (first reading); “On Securities” (first reading); “On Introduction Amendments into the Law on Joint-stock Companies and Safeguarding Shareholder Rights”; “On Introduction Changes and Amendments into the Tax Code of Uzbekistan and Law on Insurance Activities of Uzbekistan”; “On Introduction Changes and Amendments in the Law on Audit Practices”, “On Introduction Changes and Amendments into certain Legislative Acts of the Republic of Uzbekistan for Improvement of the Procedure for Voluntary Liquidation and Closure of Businesses (Annex 1) were screened.

The Ombudsman also provided her comments and proposals to the draft Report of the Chamber of Accounts of Uzbekistan for 2006. Inter alia, based on the findings of the monitoring of compliance with farmers’ rights the Authorized Person for Human Rights of the Oliy Majlis proposed to include in the workplan for next year the information on the activities for monitoring the financial status of agricultural businesses for targeted rational and effective disbursement of government budget funds and extra-budgetary funds earmarked for development of agriculture and water management; and information on cash flows to the accounts of the Fund for Payment for Agricultural Produce procured for government needs and Fund for Government Incentives for Procurement of Farm Machinery under the Ministry of Finance of Uzbekistan.

Materials related to implementation of the State budget of Uzbekistan for the 1st half of 2007 were also reviewed.

Legal screening of draft laws by the Authorized Person is focused on ensuring compliance of draft laws with the provisions of the Constitution of Uzbekistan, international human rights standards as well as filling gaps in the existing legislation and exclusion of provisions, which duplicate or contradict each other.

Considering the need for legal regulation of the activities of law enforcement bodies to ensure compliance with the principle of rule of law and human rights in their activities, promoting reliable guarantees for protection of the right for freedom and privacy, the Authorized Person for Human Rights welcomed the timely development of the draft legislative acts on the “Bodies of Internal Affairs” and “Investigation Process” by the Ministry of Internal Affairs. These draft laws were prepared in the framework of implementation of the Paragraph 3 of the Annex 3 to the Resolution PP-24 of the President *on Programme for Implementation of the Goals and Objectives for Democratization and Renewal of Society, Reforms and Modernization of the country*. Draft law on “Bodies of Internal Affairs” defines the legal status, main objectives and powers, principles of work and areas of activities of the police in Uzbekistan. Some sections are dedicated to the procedures and conditions of police service, use of force, special means and firearms by the police and welfare issues.

The Authorized Person for Human Rights has provided her comments focused on promoting the rule of law and human rights in the activities of the law enforcement bodies along with the proposals to set up a specific list of special means and procedures for using them by the police to ensure adequacy and proportionality of the usage of special means. Furthermore, the draft law includes the annex, which prohibits the police to use weapons, which inflict excessive harm or constitute the source of unjustified risk.

The draft Law on Investigations is designed to regulate the investigation-related affairs arising in investigative operations. The draft law determines the content, main areas of investigations, regulates the authority to conduct it in the territory of Uzbekistan, and sets forth the system of legal guarantees based on the priority of universal human values, compliance with constitutional rights and personal liberties. The Authorized Person for Human Rights, having reviewed the provisions of draft law, according to the Article 1 of the Law “On the Authorized Person for Human Rights” proposed to introduce a provision for oversight of investigation activities by the Authorized Person for Human Rights to ensure compliance with the rights for freedom and personal immunity.

Exercising her mandate to facilitate improvement of human rights legislation, in the reporting period the staff of Ombudsman’s Secretariat, members of the Commission for Safeguarding Constitutional Human Rights and Freedoms participated as members of working groups for development of laws, including the laws on *Guarantees of Child’s Rights* and *Juvenile Justice*, while the draft of the latter is under consideration. The law on *Guarantees of Child’s Rights* was approved by the Senate on December 1, 2007, and it sets forth the definition of a child, main dimensions of government policies to safeguard child’s rights, main guarantees of child’s rights, and additional guarantees of socially vulnerable children. The Law also envisages the prospects of establishment of an authorized body for child’s rights for the purposes of safeguarding the rights, freedoms, and legitimate interests of a child, and coordination of the activities of government and other bodies, and child’s rights organizations.

The effectiveness of the activities of the Authorized Person for Human Rights in facilitating improvement of legislation depends on her collaboration with the committees of parliamentary chambers, members of the Senate of the Oliy Majlis of Uzbekistan, and members of the Legislative Chamber of the Oliy Majlis of Uzbekistan, who, having the authority to initiate

legislation can spearhead the Ombudsman's proposals to improve draft laws on safeguarding constitutional rights and legitimate interests of citizens to the parliament floor.

In the reporting year the Authorized Person for Human Rights collaborated with the following committees of the parliamentary chamber:

- Committee on Budget and Economic Reforms (for legal screening of draft laws);
- Committee on Democratic Institutions, Non-government Organizations, and Civil Self-governance Institutions of the Legislative Chamber of the Oliy Majlis (for development of monitoring-based studies);
- Committee on Labor and Social Affairs of the Oliy Majlis (for development of monitoring-based studies);
- Committee on Foreign Policy Affairs of the Oliy Majlis (related to oversight activities of the committees).

Ombudsman's cooperation with the committees of the Legislative Chamber and the Senate materialized not only in the screening of legislative acts related to various categories of human rights but also in the exchange of information based on the findings of the monitoring of human rights legislation, arranging and holding joint meetings, workshops, trainings, roundtables, participation in the human rights-related activities. Inter alia, the staff of the Authorized Person for Human Rights attended the conferences and workshops organized by the Committee on Democratic Institutions, Non-government Organizations, and Civil Self-governance Institutions of the Legislative Chamber of the Oliy Majlis, the Committee on Science, Education, Culture, and Sports, the Committee on International Affairs and Interparliamentary Contacts, and the Committee on Defense and Security, and Senate Committee on Legislation, Judicial, and Legal Affairs of the Oliy Majlis of Uzbekistan.

Collaboration with the Senate Committee on Foreign Affairs, Legislation, Judicial, and Legal Affairs was upscaled in 2007. The Authorized Person for Human Rights attended the conferences and workshops hosted by the Committee on Foreign Policy, Committee on Legislation, Judicial and Legal Affairs. Regional representatives of the Authorized Person for Human Rights participated in the monitoring of compliance with ILO Convention on Safe Motherhood in Bukhara and Kashkadarya regions. The findings of monitoring studies were discussed in the field meeting in Bukhara attended by the staff of the Secretariat and a regional representative.

It is notable that in the reporting period a number of members of the Legislative Chamber and the Senate assisted the Authorized Person for Human Rights in reviewing the situation of compliance with farmers' rights in the framework of the monitoring undertaken.

Lawmaking process is an important and essential element of democratic governance with rule of law and improving the forms of participation by the Authorized Person for Human Rights should facilitate not only democratization of the legislative power but also enhancement of the guarantees of compliance with human rights in the process of lawmaking.

To this end, in order to enhance the effectiveness of the activities of the Authorized Person for Human Rights in improving the legislation, it is essential to:

- arrange workshops and trainings for MPs on improvement of lawmaking and oversight activities of the parliament;
- facilitate involvement of the Authorized Person for Human Rights at the sessions of the Legislative Chamber of the Oliy Majlis of Uzbekistan for review and discussion of draft laws related to various categories of human rights as well as ratification or denunciation of international human rights treaties;

- enhance interaction with the parliamentary committees in monitoring of compliance with human rights and implementation of international treaties and development of draft laws.

According to the recommendations of the Guidelines for Establishment and Enhancement of National Institutions involved in the promoting and safeguarding human rights developed by the UN Human Rights Center, the mandate of national human rights institutions include the review of existing and prospective legislation and assistance in preparation of new legislation. The activities of the Authorized Person for Human Rights are regulated by the new revision Law on the Authorized Person for Human Rights (Ombudsman) adopted on August 27, 2004. The legal status of the Ombudsman is also based on the provisions of the Constitution of Uzbekistan (Article 78, Clause 16), constitutional laws on “The Legislative Chamber of the Oliy Majlis of Uzbekistan” (Article 8, Clause 16), “The Senate of the Oliy Majlis of Uzbekistan” (Article 8, Clause 16), laws on “Standing Order of the Legislative Chamber of the Oliy Majlis of Uzbekistan”(Article 23 and 33) and Standing Order of the Senate of the Oliy Majlis of Uzbekistan (Articles 19 and 32) and Standing Orders of the Oliy Majlis committees.

Amid ongoing processes of reforms in the governance, judicial, and legal dimensions, the need for adoption of the Law “on Amendments to Certain Legislative Acts of Uzbekistan due to the adoption of the Law on the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan” has matured for the following reasons:

First, in accordance with the changes and amendments in the Constitution of Uzbekistan (Article 78, Clause 16), constitutional laws “On Legislative Chamber of the Oliy Majlis of Uzbekistan” (Article 8, Clause 16) and “Senate of the Oliy Majlis of Uzbekistan” (Article 8, Clause 16), the Ombudsman is recognized as the constitutional institution for protection of human rights, and a government institution designed to complement existing forms and means for protecting citizens’ rights;

Secondly, Law on Ombudsman regulates the mandate of the Authorized Person for Human Rights, implementation of which is directly related to the courts and law enforcement bodies, which requires that the issues in the procedural legislation are addressed;

Thirdly, the experience that the Ombudsman has accumulated, establishment and development of the institution of regional representatives, review of international practices created the underpinnings for improvement of existing legislation and bringing it into compliance with the law on Ombudsman.

It is notable that up to now the provisions of the Article 21 of the Law on Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan about granting legal entity status to the Secretariat of the Ombudsman have not yet been implemented. In addition, international standards (Paris principles) require that national human rights institutions should have the infrastructure, including adequate funding, and capacity to have own staff and premises to be independent from other government entities. National human rights institution should have a legal entity status, which enables it to make independent decisions. In a number of countries (Russia, Ukraine, etc.), similar provisions are enshrined in the legislation. In a number of countries (Russia, Ukraine, etc.) the legislation contains similar provisions.

The practices of the Authorized Person, international standards of the activities of the national human rights institutions, international experiences of legal regulation of the Ombudsman’s status indicates the importance of enabling the independence of the Ombudsman (including

immunity) and establish effective forms of collaboration with government institutions (including liability for violating the legislation on Ombudsman and guarantees of complainant's rights).

Introducing changes and amendments in the laws on "*Individual complaints*", "*On Constitutional Court of the Republic of Uzbekistan*", "*International Treaties of Republic of Uzbekistan*", Criminal Code, Criminal Procedural Code, Criminal Enforcement Code, Administrative Code, Customs Code will facilitate effective implementation of Ombudsman's mandate. Upon implementation of his functions there are cases when some officials break the deadlines for responding to the letters of Ombudsman, or forward them to the lower institutions and do not follow up, or send irrelevant information, and in some cases give lipservice replies.

In reviewing the complaints of citizens, in accordance with the Article 14 of the Law, Ombudsman has a number of rights, including the right to visit organizations and officials without any hindrance; request and receive documents, materials, and other information; seek explanations from officials; assign organizations and specialists to prepare reports on the issues to be identified; hold meetings and interviews with a person detained or kept in custody; contact respective institutions with the request to prosecute those persons, who had violated human rights and freedoms.

Today a significant number of complaints to the Ombudsman are related to the issues of their personal rights, inter alia, the right for fair trial, liberty, and privacy. In many cases reviewing citizens' complaints requires involves reading not only with the materials submitted but also the materials of the trial case records. Sometimes courts deny Ombudsman access to the case records after the sentence had taken effect reasoning that Ombudsman's mandate is not enshrined in the procedural legislation. This barrier hinders the Ombudsman in comprehensive audit of the complaints in some cases.

It is notable that the amendments in the Criminal Procedural Code, Civil Procedural Code and Economic Procedural Code to grant Ombudsman the access to the records of the cases where court sentence has taken effect does not affect the independence of the judiciary in fair trial. Furthermore, having reviewed the case, the Ombudsman may only send the organization or official her report containing recommendations to redress violated rights.

The legislative acts, which must be amended, include the Criminal Code of Uzbekistan in order to institute the liability for hindering the activities of the Authorized Person for Human Rights; Criminal Procedural Code of the Republic of Uzbekistan to include the Authorized Person for Human Rights into the category of persons who cannot be questioned as witnesses and victims; facilitating the meetings and interviews of the Authorized Person for Human Rights with a person detained or under custody; granting the Authorized Person for Human Rights the rights for access to the criminal case with sentence in effect; Criminal Execution Code of Uzbekistan to empower the Authorized Person for Human Rights or her representatives to visit penitentiary institutions; the Code of Administrative Liability of Uzbekistan for establishment of administrative liability for hindering the activities of Authorized Person for Human Rights, etc.

Based on the Article 1 of the Law and Authorized Person's mandate as an official responsible for parliamentary oversight of compliance of government bodies, companies, institutions, and officials with legislation on human rights and liberties, it is appropriate to improve the laws on "*Individual complaints*", "*On Constitutional Court of the Republic of Uzbekistan*", "*International Treaties of the Republic of Uzbekistan*".

In the reporting period Ombudsman along with the government officials developed draft Law on *Introduction Changes and Amendments to Certain Laws of Uzbekistan due to the adoption of the*

new revision of the Law on the Authorized Person of the Oliy Majlis of Uzbekistan for Human Rights (Ombudsman). This draft law was discussed at the international conference with involvement of international experts and submitted for review to the Ministry of Justice of Uzbekistan.

Improving national legislation reflecting the provisions of the Law on Ombudsman will strengthen the status of this institution, which is one of the strongest and most effective mechanisms for protection of human rights.

Determining the priorities of country's development, the head of state in his statements noted the importance of reforms in the agricultural sector focusing attention on development of private farming as the key factor of emerging new relations in land use and greater efficiency in the agricultural sector. Improving economic relations in the rural areas, reorganization of loss-making and low-yield agricultural companies into private farms, reinforcing their regulatory framework enabled to provide jobs to 1.4 mln. rural workers into approximately 190,000 private farms.

In order to create favorable conditions for business activities of farmers, essential market and industrial infrastructure facilities were created in the territories of reorganized agricultural cooperatives along with establishment of the network of legal and counseling services and non-government procurement, trade, and intermediary companies to cater to the farmers and other players in the market.

Yet the outcomes of the efforts for development of private farming do not meet the requirements set forth, which is indicated by the complaints to the Authorized Person for Human Rights of Uzbekistan.

In 2005-2007 the Ombudsman received about 250 complaints from the farmers and more than 100 were followed-up. In their complaints the individuals pointed out non-compliance with the provisions of the existing legislation; illegitimate actions of the managers of private farmers and government officials; improper utilization of the state property, violations of farmers' rights in shortlisting and competition among applicants to set up private farms, in the process of distribution of land plots; they express their discontent with the outcomes of the bidding held and ask for assistance in obtaining monetary compensation for the harvest collected and delivered.

As development of farms is a priority in economic development and increasing number of complaints to the Ombudsman by the farmers served as the grounds for monitoring compliance with farmers' rights according to the Law on Farmers jointly with the prosecutor's office and bodies of justice, Farmers' Association, Women's Committee of Uzbekistan, and Ijtimoiy Fikr, a polling agency.

In the first half of 2007, a pilot monitoring project was held with involvement of 20 farmers from Pskent district and 39 farmers of Buka district, which specialized in cotton, wheat, and livestock farming as well as cultivating fruits and melon crops, viticulture, and horticulture.

The policy brief prepared based on the findings of monitoring contains information on enforcement of current legislation on farmers' rights and indicates the problems that rural producers encounter in their activities, and provides recommendations designed to improve the legislative and regulatory framework as well as safeguard the rights and legitimate interests of farmers.

The review of legislation of Uzbekistan in safeguarding farmers' rights has identified certain gaps related to promoting labor and social rights of the farmers including:

- certain provisions of the Law on Farmers have become obsolete, including Article 6, 10, 29 due to the reorganization of shirkats (agricultural cooperatives) according to the Decree of the President of Uzbekistan;
- existence of a number of regulatory acts, which regulate certain issues related to farming, is creating problems in law enforcement, making it impossible to follow-up after adoption of regulatory acts;
- issues of recording working time of the farmers, determination of work experience, labor relations within the farm, particularly the farm manager and worker are not regulated in the labor legislation;
- the mechanisms of social security of farm workers, social benefits such as temporary disability, pregnancy and delivery benefits, etc. are not determined in the legislation;

Monitoring of compliance with farmers' rights has demonstrated that the main hindrances to the development and consolidation of private farms include low legal awareness of their managers and inadequate information and communication activities implemented by the Farmers' Association of Uzbekistan to improve the skills of the heads and members of businesses and violations of current legislation.

Many farmers in the Pskent and Buka districts of Tashkent region lack the special knowledge, accounting skills, statistical reporting skills, agritechnical activities, and none of them could produce the full package of documents of a private farm.

The review of monitoring data illustrates that the private farmers were granted the low-yield and loss-making agricultural land to start their farms, according to the responses of 51% farm managers. In 20.3% of cases the farmers received the land from the cooperatives with inadequate labor resources. 34% of farmers expressed their discontent with the quality of the lands allotted, while the land plots with low cadastre assessments were distributed to the horticulture and livestock farmers.

There are practical difficulties related to timely payment of land tax, the main reason for which was non-fulfillment of contractual liabilities by agricultural procurement bodies. Because of overdue payments for agricultural products according to the state procurement contracts, private farmers cannot regularly pay flat land tax, which leads to penalty being levied.

Although the Article 22 of the Law on Farmers prohibits any interference by government bodies, other organizations, and their officials in the activities of farmers, farm managers noted in the interviews that there are still cases of interference into their business.

Sericulture farm managers and workers also voiced many complaints. In drawing up silk cocoon production plan, local authorities do not make contracts with farmers, do not provide essential assistance, and have not made payments for the harvest of last year at the time of monitoring.

There are cases of non-implementation of legislation according to which farmers are entitled to make futures contracts by receiving down payments for the products they purchase. As noted by some managers, even in making futures contracts for procurement of agricultural products, majority of legal entities do not make down payments. At the same time, the terms of contracts made by between the farmers and legal entities are mostly defined by the latter disregarding farmers' interests.

Granting farmers the right to open bank accounts for monetary transactions and savings, legislation also envisages the right of the farmers to freely dispose of these funds. However,

according to the interview with the farm managers, farmers' funds in their bank accounts are spent, first of all, to repay loans, procurement of fuel and lubricants, mineral fertilizers, etc., which creates certain difficulties for payments to the farm workers.

According to the findings of the monitoring, farm managers also do not have essential knowledge in the area of labor relations. Review of the documents has indicated that most farms had not made labor contracts with farm workers, and there were no orders to hire a worker, grant work leaves, other orders to be made according to the current legislation.

There are no staff lists of these farms, which is in violation of legislation; there is no work schedule; no time sheets; no contracts between parties to determine the wages of farm workers as well as seasonal workers.

Inadequate legal awareness of the farm managers leads to violations of current social security legislation with regard to the rural workers. Majority of surveyed farmers could not answer the questions: How do you pay benefits to the workers for temporary work disability? How do you maintain retirement records?, as they are not familiar with the procedures for making these payments, and they are not aware from which sources they come from, and they did not know their amount.

It is notable that the Law on Private Farmers has been in force for more than 10 years but a sectoral trade union has not been established in the country, under which labor inspection should operate, and oversight of labor rights of farmers should be in place. Law enforcement bodies are not giving due attention to compliance of farmers with labor legislation.

According to the findings of the monitoring, there have been certain difficulties in the process of establishment and operation of farms including those related to economic, financial, material, technical, legal, and even psychological factors, inadequate experience, lack of awareness of legislation, which leads to violations.

The review of monitoring of compliance with farmers' rights according to the Law on Farmers at the example of farms in Buka and Pskent districts of Tashkent region has identified that the main reasons hindering development and consolidation of farms are as follows:

- Inadequate legal awareness of farm managers and workers;
- Inadequate information and communication efforts to improve the skills of farm managers and workers;
- Inefficient and irrational utilization of a land plot according to the terms determined by legislation and land lease;
- Ongoing practices of interference by government bodies in the activities of government bodies;
- Extremely complicated terms and conditions for taking bank loans;
- Unstreamlined norms of labor legislation and retirement benefits of farm workers.

Review of the findings of the monitoring of farmer rights based on the example of farmers in Buka and Pskent districts of Tashkent region enabled the Authorized Person for Human Rights to make the following recommendations:

- Make changes and amendments in the *Law on Farmers* for further improvement of farming activities, their relations with government bodies, banks, and tax authorities;
- Streamline the acts of the Cabinet of Ministers of Uzbekistan, appropriate ministries and agencies; publish comments to the laws and regulations pertinent to farmers' activities;

- Undertake information and awareness-raising activities among farmers to improve their legal awareness including by arranging workshops, trainings, courses, etc.

In the reporting period the Ombudsman has met farm workers in the Amudarya district of Karakalpakstan, Asaka district in Andijan, Namangan district in Namangan region, Buka and Pskent districts in Tashkent region. In her meetings with the local authorities and visits to the farms, the Authorized Person discussed the issues of safeguarding human rights in the activities of local authorities, regional units of the Farmers' Association of Uzbekistan, and representatives of the Authorized Person for Human Rights.

Substantial support of the members of Senate Committees and members of the Legislative Chamber of the Oliy Majlis of Uzbekistan in the preparatory work, choice of tools, and surveys is also notable.

The experience gained and materials of the monitoring constitute the underpinnings for monitoring of compliance with farmers' rights in all provinces nationwide in 2008, which will be implemented by the regional representatives with involvement of the justice bodies, prosecutor's office, local offices of Farmers' Association of Uzbekistan, representatives of non-government non-profit institutions, and the media.

The findings of monitoring conducted in 2006 jointly with the Women's Committee of Uzbekistan, Council of Federation of Uzbekistan's Trade Unions with involvement of the Ministry of Justice, Ministry of Labor and Public Welfare of Uzbekistan, *Ijtimoiy Fikr* polling center, implementation of Labor Code of Uzbekistan to safeguard the rights and legitimate interests of women working at the companies of O'zbekengilsanoat, the State Joint-stock Company as well as both public and private industrial companies in the Andijan, Namangan, and Ferghana regions were summarized in the reporting year.

The monitoring covered 18 industrial companies in Andijan, Namangan, and Ferghana regions with the capacity to process cotton fiber and manufacture finished products including companies with foreign investments, inter alia 13 joint-stock companies, 3 joint ventures, 1 joint-stock company with limited liability, 1 private company, where the working conditions of female textile workers were surveyed along with safeguards envisaged in the labor legislation including additional guarantees and benefits.

In the course of monitoring the working groups met with workers, interviewed women in their workplaces; about 500 female workers were surveyed.

In the course of discussion, the conclusions were drawn and following recommendations were made for O'zbekengilsanoat SJSC, labor and welfare organizations, prosecutor's bodies, trade unions and women's organizations, regional representatives of the Authorized Person for Human Rights in Andijan, Namangan, and Ferghana regions:

- Enhancing the liability of company management for compliance with the labor standards, rules, and norms; implementation of modern means of labor safety and workplace sanitation; taking measures to finance workplace safety and appropriate spending of the funds earmarked for labor safety;
- Enhancing agency oversight of compliance with labor legislation to safeguard women's rights and interests at public and private textile companies and enhancing the activities of labor inspectors to ensure labor safety;
- Identification of violations and taking effective measures to protect and redress the violated labor rights of women;

- Enhance awareness-raising efforts among women to safeguard their rights and interests in labor relations, compliance with labor safety norms, regulations, and conditions;
- Enhance oversight of compliance of textile companies with Labor Code of Uzbekistan and Law on Workplace Safety and agency regulations;
- Ongoing control over safeguarding, protecting, and redressing violated labor rights of women and enhancing the activities to this end jointly with the local authorities, region-level judiciary and law enforcement bodies, women's committees and trade unions.

These recommendations enabled not only to remedy but also prevent a number of flaws and mistakes, including outright violations of the current legislation to safeguard labor rights of women; non-compliance with the regulations granting benefits to women and persons with family duties; safety regulations, occupational safety and enhancement of industrial culture; proposals were made to enhance women's legal awareness about labor legislation; boost efforts of trade unions and women's council to advocate and safeguard employed women's rights.

II. Practices in Reviewing Individual Complaints and Restoration of their Violated Rights and Freedoms

Addressing the complaints of Uzbek citizens, persons without citizenship, and foreign nationals as well as assistance in redressing their violated rights was among priorities of the Ombudsman, hence it was implemented in collaboration with government bodies, including courts and law enforcement bodies.

Using their constitutional rights to petition various government institutions, **8,611** citizens sent their complaints and petitions to the institution of Ombudsman including 1,244 to the regional representatives, 7,367 to the headquarters, and 5,372 complaints were received domestically (2,848 complainants were women), 19 came from penitentiary institutions, while 17 complaints did not indicate the address of the complainant, and 1,250 complaints came for the second time. Advice and legal counseling was provided via hotline to 715 complainants. 2,053 of complaints received at the headquarters of the Authorized Person for Human Rights were followed up. 1,499 of them have been already reviewed including 360 already resolved, while remaining 554 are still under scrutiny and being resolved. 1,248 of the complaints were received in the surgery hours of the Ombudsman including **544** collective complaints.

Total Number of Petitions received by the Authorized Person of the Oliy Majlis of Uzbekistan for Human Rights (Ombudsman) in 2007

п/п №	Petitions received by	Number
1	Ombudsman's staff including :	7,367
	from regions	5,324
	Repeated complaints	1,250
	From foreign nationals	42
	From penitentiary institutions	19
	Via hotline	715
	Sent without return address	17

2	Regional representatives of the Ombudsman	1,244
	TOTAL	8,611

**Petitions Received by the Ombudsman and
Forwarded for Consideration to the following Organizations**

№	Organizations	Total	With Follow-up	Without follow-up
1	Supreme Court of Uzbekistan	239	86	153
2	Regional criminal courts	20	3	17
3	Regional civil courts	273	65	208
4	Higher Economic Court of Uzbekistan	16	4	12
5	Prosecutor General of Uzbekistan	448	204	244
6	Regional prosecutor's offices	1079	454	625
7	Military Prosecutor's Office of Uzbekistan	31	14	17
8	Ministry of Justice of Uzbekistan	16	7	9
9	Regional justice departments	92	30	62
10	Department for Execution of Court Orders under the Ministry of Justice of Uzbekistan	70	37	33
11	Local departments for enforcement of court orders	89	28	61
12	Ministry of Internal Affairs of Uzbekistan	97	41	56
13	General Department for Execution of Punishments (GUIN) of the Ministry of Internal Affairs of Uzbekistan	86	28	58
14	Regional Police Departments	168	38	130
15	Regional Departments for Entry, Exit, and Naturalization	75	24	51
16	Ombudsman's Regional Representatives	389	389	-
17	Members of the Expert Council	197	197	-
18	Members of the Commission under the Ombudsman	6	4	2
19	Farmers' Association of Uzbekistan	4	1	3
20	Association of Advocates of Uzbekistan	3	1	2
21	Association of PHC (Private Homeowner Cooperative)	3	3	-
22	Ministry of Labor and Social Protection of	64	41	23

	Population of Uzbekistan			
23	Regional departments for labor and social protection of population	96	34	62
24	Ministry of Health of Uzbekistan	52	24	28
25	Regional health departments	47	14	33
26	Ministry of Defense of Uzbekistan	27	14	13
27	Ministry of Public Education of Uzbekistan	30	21	9
28	Regional department of public education	28	7	21
29	Ministry of Higher and Secondary Specialized Education of Uzbekistan	43	17	26
30	Regional departments of secondary specialized and vocational education	8	5	3
31	Ministry of Foreign Affairs of Uzbekistan	10	5	5
32	Ministry of Finance of Uzbekistan	15	3	12
33	Ministry for Culture and Sports of Uzbekistan	4	2	2
34	Ministry of Agriculture and Water Resources of Uzbekistan	6	5	1
35	Testing Center under the Cabinet of Ministers of Uzbekistan	2	2	-
36	Cabinet of Ministers of Uzbekistan	24	8	16
37	Council of Ministers of Karakalpakstan	6	2	4
38	Committee for Religious Affairs under the Cabinet of of Uzbekistan	21	7	14
39	State Tax Committee of Uzbekistan	11	4	7
40	Regional tax departments	11	2	9
41	State Customs Committee of Uzbekistan	14	5	9
42	State Environmental Committee of Uzbekistan	4	1	3
43	State Property Committee of Uzbekistan	5	5	-
44	Central Bank of Uzbekistan	47	17	30
45	Pardons Commission under the President of Uzbekistan	11	4	7
46	Mahalla Foundation	19	9	10
47	Regional departments of Mahalla Foundation	97	19	78
48	“Nuroni” Foundation	6	-	6
49	Women’s Committee of Uzbekistan	6	1	5
50	Regional women’s committees	174	17	157
51	Council of the Federation of Trade Unions of Uzbekistan	14	4	10
52	Committees of the Legislative Chamber of the Oliy Majlis of Uzbekistan	5	1	4
53	Tashteploenergo (Tashkent Heating Company)	5	3	2
54	O’zbekiston Temir Yollari, State Joint-Stock Railway Company	4	2	2
55	O’zbekiston Havoy Yo’llari (National Airways)	2	-	2
56	O’zbektelekom company	5	2	3

57	O'zteleradiocompany	1	-	1
58	Other institutions	40	12	28
	TOTAL	4,365	1,977	2,388

The Ombudsman also personally held **14** meetings with **236** complainants, of which **100** complaints were followed up; counseling and explanations were provided in **82** cases. 8 individual petitions were submitted to the Ombudsman from the voters through senators and members of the Legislative Chamber of the Oliy Majlis of Uzbekistan. The number of complaints submitted to the Authorized Person via various government institutions, public institutions, lawyers and the media has also increased.

The Authorized Person for Human Rights also held field meetings with citizens nationwide, including Bukhara, Namangan, Samarkand, Ferghana, and Tashkent regions. In the course of the monitoring of farmers' rights, the Ombudsman also held meetings with the farm workers in Amudarya district in Karakalpakstan, Asaka district in Andijan region, Namangan district in Namangan region, Buka and Pskent districts in Tashkent region. In this period of visits the issues of human rights in the activities of local authorities, regional branches of Farmers' Associations of Uzbekistan and representatives of the Authorized Person for Human Rights were discussed. Meetings with the local administration and law enforcement bodies were held along with monitoring of penitentiary institutions.

The Authorized Person for Human Rights prepared **8** reports, of which **4** were sent to the Supreme Court of Uzbekistan and 1 to Tashkent region prosecutor's office.

Exercising their right to voice the problems they encounter, the citizens have been sending their complaints with various questions to the Parliamentary Ombudsman from all areas nationwide, utilizing not only traditional means but also using Internet and facsimile communications. The greatest number of complaints came from the city of Tashkent, Surkhandarya, Kashkadarya, Tashkent and Samarkand regions.

Petitions to the Ombudsman from country's regions

№	Regions	Walk-in	By mail	Total
1	City of Tashkent	605	766	1,371
2	Andijan region	47	258	305
3	Bukhara region	30	145	175
4	Jizzakh region	28	180	208
5	Kashkadarya region	57	528	585
6	Navoi region	44	152	196
7	Namangan region	26	153	179
8	Samarkand region	67	410	477
9	Syrdarya region	18	113	131
10	Surkhandarya region	51	573	624
11	Tashkent region	185	326	511
12	Ferghana region	52	239	291
13	Khorezm region	26	146	172
14	Republic of Karakalpakstan	10	89	99
	TOTAL	1,246	4,078	5,324

Similar to the previous year, in their complaints to the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan, individuals most often raised the issues of socioeconomic rights 2,082 cases (38.8%), personal liberties and privacy, human treatment and respect for personal dignity – 1,210 (22.5%), fulfillment of the right for fair trial – 1,164 (21.7%).

Themes of Complaints to the Ombudsman on the issues related to the Infringements of Rights

	Categories of Human Rights	Number of Complaints Received	Complaints followed-up
1	Right for life, freedom, privacy, humane treatment, and respect for dignity	1,210	449
	Discontent with arrest and detention	35	13
	Discontent about criminal charges pressed	284	104
	Regarding transfer of the convicts and detainees to other places of detention	29	8
	The issues of amnesty and pardon act	205	40
	Health services for convicts	10	3
	Illegitimate actions of the staff of the penitentiary services	20	10
	Disagreement with the actions of the law enforcement bodies	262	119
	Discontent with the procedures and progress of investigation	343	140
	Replacement of arrest with other preventive measures	10	5
	Extradition	12	7
2	Right for fair trial	1164	462
	Disagreement with criminal court sentence	405	154
	Disagreement with ruling of civil court	502	193
	Disagreement with ruling of economic court	13	11
	Non-enforcement of court order	161	76
	Red tape in trials	83	28
3	Right to work	340	152
	Disagreement with dismissal (downsizing) and transfer to another job	85	36
	Disagreement with actions of management of an institution, organization, and a company	129	56
	Wage arrears	49	32
	Obtaining certificates or other records	6	3
	Labor migration affairs	23	12
	Access to jobs	48	13
4	Right for Education	134	47
	Disagreement with the actions of the staff or management of educational institutions	95	37
	Disagreement with test results	36	10

	Nostrification of diplomas or graduation certificates	3	-
5	Welfare rights	274	109
	Complaints about the amount of pension	53	30
	Pension arrears	15	10
	Retirement upon attainment of minimum age or by nature of occupation	14	8
	Access to financial assistance and benefits	154	46
	Access to benefits	38	15
6	Right for freedom of movement	202	49
	Residence permit	58	19
	Naturalization	81	11
	Deportation	5	1
	Obtaining passports and other identification documents	58	18
7	Right for health services and disability benefits	121	46
	Public healthcare	33	15
	Disagreement with actions of health workers	40	14
	Disagreement with diagnosis	6	6
	Protection of the rights of the disabled	42	11
8	Family welfare rights	277	88
	Violation of women's rights	161	57
	Violation of child's rights	15	11
	Family and domestic issues	101	20
9.	Legal services	343	118
	Disagreement with lawyer's actions	9	4
	Disagreement with the actions of notary offices	6	3
	Disagreement with the actions of non-government human rights organizations	1	-
	Damage compensation	7	2
	Ownership and inheritance rights	320	109
10	Entrepreneur's rights	169	101
	Violation of entrepreneurs' rights	52	28
	Access to loans	58	24
	Violation of farmer's rights	59	49
11	Rights of military servicemen, law enforcement bodies, and courts	78	32
12	Housing and Utilities	544	225
	Home acquisition affairs	216	76

	Utilities and Home maintenance	113	66
	Activities of Private Homeowner Cooperative	46	28
	Land allotment	169	55
13	Issues related to activities of local authorities, collective farms, and civil self-governance bodies:	272	124
	Disagreement about decisions and actions of local authorities	174	90
	Disagreement about decisions and actions of collective farm officials	43	13
	Disagreement about decisions and actions of civil self-governance bodies	55	21
14	Rights of foreign nationals	6	3
15	Environmental rights	19	17
16	Indexation of funds in bank deposits	14	4
17	Freedom of conscience	39	12
	Discontent about the activities of religious organizations and actions of the clergy	14	2
	Discontent about limitations of the freedom of conscience	25	10
18	Improvement of legislation	4	3
19	Proposals	7	1
20	Other matters	155	11
	TOTAL	5,372	2,053

In addition to the petitions from Uzbek citizens, 42 complaints came from the foreign nationals and overseas ombudsmen.

Petitions to the Ombudsman from Abroad

№ п/п	Addressee	Number
1	Ombudsman of the Russian Federation	8
2	Ombudsman of the Sverdlovsk region of the Russian Federation	9
3	Ombudsman of the Astrakhan region of the Russian Federation	1
4	Ombudsman of the Smolensk region of the Russian Federation	1
5	Ombudsman of the Perm region of the Russian Federation	1
6	Ombudsman of the Kaliningrad region of the Russian Federation	1
7	Ombudsman of the Republic of Azerbaijan	1
8	Ombudsman of the Republic of Kazakhstan	2
9	Ombudsman of the Republic of Moldova	1
10	Ombudsman of the Republic of Ukraine	1
11	Ombudsman of the Kyrgyz Republic	3
12	Russian citizens	10
13	Ukrainian citizens	1
14	Kazakh citizens	2
	Total	42

In the reporting year the number of repeated complaints has increased proportionally to the total number of complaints (878 in 2006; 1,250 in 2007), which indicates inadequate attention and effectiveness of the local authorities in redressing complaints referred by the Authorized Person, who has been trying to address them in collaboration with national partners among government bodies including the judiciary and law enforcement bodies. At the same time, the number of complaints, which are not in the competence of the Authorized Person for Human Rights has increased, which indicates that the bodies and persons involved in these cases are not taking adequate measures to redress individual complaints; secondly, it indicates the gaps in the legal awareness of the public and inadequate efforts to communicate the functions and capabilities of the parliamentary Ombudsman, which is a complementary institution for securing human rights in the democratic government.

1. Right for Life, Freedom, Privacy, Humane Treatment and Respect for Dignity

The rights for life, freedom, and privacy are arch-important in the list of natural and inherent human rights mandatory for compliance in the democratic governance with rule of law.

Having declared itself to be a democratic state with rule of law, Uzbekistan's Constitution defines human rights, liberties, and legitimate interests as the supreme values. For implementation of these values in the judicial and legal dimensions, the government has undertaken a number of measures focused on constitutional provisions and bringing national legislation into conformity with international criminal justice standards.

In the framework of the legal reforms in Uzbekistan in the last decade, improvement of criminal justice, creation of reliable legal safeguards of human rights, liberties, and legitimate interests are regarded as important.

In order to take specific actions for further liberalization of criminal justice, on August 1, 2005, the decree of the President on *Abolition of Death Penalty* came out, which envisages abolition of capital punishment in Uzbekistan starting January 1, 2008, replacing it with life imprisonment or long-term imprisonment. This act reflected the commitment to universally recognized principles and norms of international law, provisions of the Basic Law of Uzbekistan, which declares and reinforces human right for life.

On July 11, 2007, the Law on *Introduction Changes and Amendments to Certain Legislative Acts of Uzbekistan due to the Abolition of Death Penalty* was adopted. According to the amendments, capital punishment is excluded from the legislation, and replaced by life imprisonment or long-term imprisonment. Life imprisonment can be applied for two categories of crime – deliberate murder and terrorism. This form of punishment is not applicable to women and persons under the age of 18 and above 60.

Along with abolition of death penalty, President Islam Karimov set another objective of transferring the power to issue arrest warrants to courts as a main issue in the process of reforms and further liberalization of the judicial and legal system. Main objectives for implementation of the transfer of the right to issue arrest warrant were reflected in the Decree on *Transferring the Right to Issue Arrest Warrant*, issued on August 8, 2005, which duly underlines that the foremost objective of the judicial reforms is effective protection of the human rights and liberties enshrined in the constitution, primarily protection from ungrounded criminal prosecution and interference to his private life and personal immunity. It is particularly notable that the advantages of judicial warrant for arrest is that an independent body makes the decision to limit constitutional human rights.

For legislative guarantees of the grounded limitations of human rights in the criminal process, the national parliament adopted the Law on *Introduction Changes and Amendments to Certain Legislative Acts of Uzbekistan due to Transfer of the Power to issue Arrest Warrant*. This Law introduces the judicial procedure for issuing arrest warrants and extension of custody, which delegates to the judges immense responsibility to identify the investigation's errors in the early stages, which will enable to effectively protect human rights and legitimate interests.

The Authorized Person for Human Rights of Oliy Majlis (Ombudsman) is an extremely important institution for extrajudicial consideration of citizens' complaints and motions, complementing and expanding the oversight functions of the parliament with regard to the other government institutions and conformity with human rights and freedoms. The issues of compliance and protection of the constitutional rights for life, freedom, and privacy, humane treatment and respect for dignity have a special place in the activities of the Authorized Person for Human Rights for receipt and review of individual complaints,

21% of all petitions addressed to the Authorized Person fall under this category. Main problems touched upon in the individual complaints are related to arbitrary criminal prosecution, arbitrary use of arrest and custody as a preventive measure, complaints about the actions of law enforcement bodies, and violations of investigation procedures. Furthermore, convicts and their relatives ask for assistance in the transfer of the convicts, granting amnesty and pardon, medical care for the convicts, and file complaints about illicit actions of the penitentiary staff.

In 2007 Ombudsman received **1,210** individual complaints about the right for freedom and personal immunity, compliance and protection of the convicts' rights. Of them, **449 complaints were followed up and 41 were addressed positively**. The number of redressed complaints accounted for **9.1%** of complaints followed up by the Authorized Person for Human Rights.

The petitions consisted of the following categories:

Categories of Civil Petitions	Total received	Of which followed up	Resolved positively
Disagreement with arrest and imprisonment	35	13	-
Disagreement with criminal charges pressed	284	104	4
Matters of transfer of inmates to another place of incarceration	29	8	1
Matters of amnesty act and pardon	205	40	-
Provision of medical assistance to convicts	10	3	2
About illegal actions of the penitentiary service officers	20	10	-
About disagreement with actions of law enforcement officers	262	119	10
About disagreement with the investigation process	343	140	23
About change in preventive action (release on bail)	10	5	1
Extradition	12	7	-
TOTAL	1,210	449	41

Notably the number of individual complaints about violations of the right for freedom and personal immunity has grown by 106. For instance, in 2006 1,104 individuals complained about the issues of the right for freedom and personal immunity, compliance with and safeguarding the rights of the convicts.

A significant number of complaints received were related to disagreement with the procedure and the process of investigation (343) and discontent with criminal charges pressed (284). In

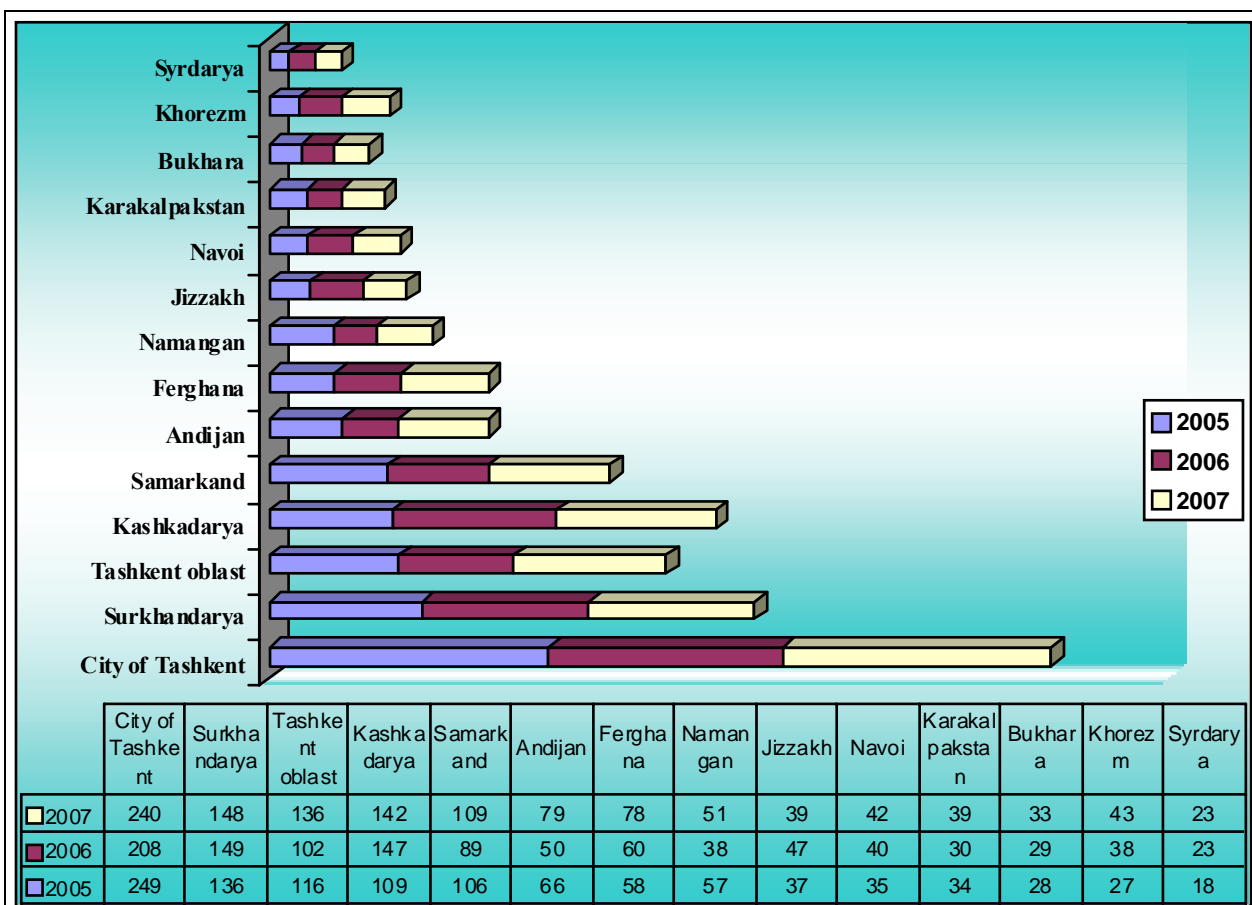
262 complaints the citizens expressed their disagreement with actions (inaction) of law enforcement bodies, which were expressed in illicit actions of the officers upon arrest and investigation, methods of psychological pressure and torture to the detainees. Many complaints are related to the privacy, freedom and safety, which is expressed by the abuse of power by law enforcement officers with regard to the persons under investigation.

Categories of individual petitions	Total petitions	
	2007	2006
Disagreement with arrest and imprisonment	35	45
Disagreement with criminal charges pressed	284	234
Matters of transfer of inmates to another place of incarceration	29	22
Matters of amnesty act and pardon	205	155
Provision of medical assistance to convicts	10	6
About illegal actions of the penitentiary service officers	20	13
About disagreement with actions of law enforcement officers	262	314
About disagreement with the investigation process	343	307
About change in preventive action	10	8
Extradition related matters ¹	12	-
TOTAL	1,210	1,104

As of 2007 the complaints about discontent with the procedures and process of investigation dominated in this group of complaints (28.3%). In the meantime, the number of complaints expressing discontent with the actions of the law enforcement officers (by 6.8%) went down. The number of complaints about disagreement with criminal charges increased by 2.3%, while the number of complaints expressing discontent with arrest and custody went down. The number of citizens contacting to the Ombudsman to facilitate amnesty and pardon has increased (by 2.9%).

Residents of Tashkent city, Surkhandarya, Kashkadarya, Tashkent, and Samarkand regions send the largest number of complaints. The least number of complaints related to the right for life, freedom, and personal immunity came from Bukhara, Jizzakh regions and Republic of Karakalpakstan. Citizens complaints coming from the provinces were distributed relatively evenly in the three-year-period.

¹ This category of complaints was registered in 2007.



The complaints addressed to the Ombudsman are not evenly distributed across the regions of the country for a number of reasons: population density of the oblassts, legal awareness of the people about offences of their constitutional rights and realization of the need to safeguard them.

	REGIONS	Petitions received	Followed-up
1	Andijan region	79	30
2	Bukhara region	33	12
3	Jizzakh region	39	8
4	Kashkadarya region	142	53
5	Navoi region	42	17
6	Namangan region	51	15
7	Samarkand region	109	30
8	Syrdarya region	23	7
9	Surkhaniya region	148	44
10	Tashkent region	136	59
11	Ferghana region	78	28
12	Khorezm region	43	20
13	Tashkent	240	100
14	Republic of Karakalpakstan	39	19

15	Request from the Authorized Person for Human Rights in the Russian Federation	1	1
16	Foreign nationals	7	6
	Including complaints from the convicts	17	4
	TOTAL	1,210	449

Following is a breakdown of the petitions from the regions by categories:

		Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Disagreement with arrest and imprisonment	Extradition
1	Andijan region	1	23	1	15	-	1	16	20	2	-	
2	Bukhara region	1	11	2	2	-	1	8	7	-	1	
3	Jizzakh region	-	11	1	7	-		4	16	-	-	
4	Kashkadarya region	5	40	2	9	-	3	30	52	-	1	
5	Navoi region	2	6	1	12	-	-	13	8	-	-	
6	Namangan region	2	10	1	13	1	2	13	8	-	1	
7	Samarkand region	2	35	3	19	-	-	17	32	-	1	
8	Surkhandarya region	6	30	1	20	-	2	43	42	1	3	
9	Syrdarya region	-	4	-	8	-	-	3	8	-	-	
10	Tashkent region	3	25	4	35	1	2	19	45	2	-	
11	Ferghana region	-	17	-	17	1	3	13	25	2	-	
12	Khorezm region	3	12	1	6	1		9	11	-	-	
13	City of Tashkent	9	49	12	39	6	6	53	58	3	5	
14	Republic of Karakalpakstan	1	8	-	1	-	-	20	9	-	-	
15	Request from the Authorized Person for Human Rights in the Russian Federation	-	-	-	-	-	-	-	-	-	-	
16	Foreign nationals	-	3	-	2	-	-	1	2	-	-	
	Including complaints from convicts	-	2	-	13	-	1	-	1	-	-	
	TOTAL	35	284	29	205	10	20	262	343	10	12	

To a significant extent, general state and effectiveness of safeguards for human rights in the criminal proceedings depends on how the aforementioned rights are upheld in criminal investigation. It is the pre-trial investigation, when individuals are most often subjected to illegitimate actions of the authorities.

Review of the complaints received by the Authorized Person for Human Rights indicates that there are still burning issues of inadequate protection of citizens from the arbitrary actions of certain police officers, who, due to the nature of their job, are supposed to protect and safeguard citizens' rights. Some officials investigating crimes and offences are violating the norms of criminal and criminal-procedural legislation of Uzbekistan, which stipulates strict procedures for detaining and questioning individuals, conducting search and seizure of evidence, pressing charges, collection of evidence, objective and comprehensive investigation of the case. Citizens' complaints indicate that human rights are violated most flagrantly upon detention and arrest of the crime suspects as well as in the investigation process, which requires measures to safeguard the rights of the accused, victims and other parties to the case.

Safeguarding human rights in the activities of law enforcement bodies include protection of personal rights and liberties, ensuring their implementation, compliance with laws, which guarantee these rights. Legitimacy and protection of personal rights requires timely and effective actions by the law enforcement bodies to prevent, thwart, and uncover crimes infringing human rights and freedoms. Rejecting legitimate demands of citizens constitutes violation of constitutional rights and serves as an argument for complaint about disagreement with the actions of the law enforcement bodies. The Authorized Person for Human Rights of the Oliy Majlis is receiving complaints about the **inaction of law enforcement officers and failure to take legitimate measures towards persons committing crimes**. *This is indicated in the complaint by Mr. D.Sh (# 3907p-1b-n) with the request to prosecute R.D. , who took his children to Kazakhstan by deceit for labor exploitation. This complaint was followed-up by the Ombudsman, and in order to verify the arguments of the complainant, it was forwarded to prosecutor's office of Khorezm region. In the course of audit it was identified that based on earlier complaint of D.Sh. , the police department of Gurlan district of Khorezm region conducted an investigation, and due to the lack of the signs of crime, they rejected to file a criminal case. Prosecutor's office of Khorezm region reviewed the grounds for this decision and overruled the decision to deny criminal investigation as it was found to be a premature decision made lop-sidedly and after incomplete review of evidence, and returned it for further investigation to the prosecutor's office of Gurlan district. This criminal case is being followed-up by the prosecutor's office of the Khorezm region.*

It is difficult to suffer the loss of a kin, and it is even more difficult to see how the people responsible remain unpunished due to the inaction of law enforcement bodies. *Ms. P.K. ended up in this situation and appealed to the Authorized Person for Human Rights with a request to facilitate prosecution of M.Kh., whom she believes to be responsible in the death of her granddaughter Yu.Kh. (case # 4638-1g-n). Complainant P.K. believes that her granddaughter could be killed by her husband M.Kh., then could be hung to make it look like a suicide. In her complaint Ms. P.K. described her suspicions in great detail, which should be reviewed by investigative bodies. Granddaughter of the complainant, Yu. Kh. had three children in her marriage to Mr. M.Kh. – elder child was 6-year-old, middle – 3 year-old, and junior child – 11 month-old. In 7 years of marriage Yu. Kh. was systematically beaten by her husband and subjected to violence, attacks and humiliation by her mother-in-law. Not only her husband and his relatives did not inform her relatives but even her parents about her death and funeral.*

*The complaint by Ms. P.K. was followed-up by Ombudsman and referred to the Prosecutor General's office. According to the answer of Prosecutor General's Office (ref. 2987 on December 4, 2007), it was established that on October 29, 2007, 11 a.m. Ms. Yu.Kh committed suicide by hanging herself. The forensic report noted that the death of Ms. Yu.Kh. was attributed to mechanical asphyxia as a result of strangling by the loop, and there were no signs of violence except for the signs of asphyxia. The Prosecutor's office of Urta-Chirchik district of Tashkent region conducted preliminary investigation and no *corpus delicti* was found.*

Based on these circumstances, according to the Article 83(2) of CPC of Uzbekistan, it was decided not to file a criminal case.

After inquiry by the Authorized Person for Human Rights to the Prosecutor General's office, the prosecutor of Urta-Chirchik district again reviewed the case materials and arguments indicated in the complaint by Ms. K. P. as well as for comprehensive review of the case circumstances, the decision to reject launching of a criminal case was overruled and referred for additional investigation. Investigation of this case was taken under the control of the Prosecutor General's office.

Another example can be a petition by Mr. P.A. to the Ombudsman with the request to provide assistance in filing a criminal case with regard to disappearance of her husband T.I. (case # 2716q-1g-n). In her complaint Mr. P.A. expressed discontent with inaction of the police and prosecutor's office of Tashkent region. For clarification of the circumstances of the case, the Ombudsman referred this complaint to the prosecutor's office of Tashkent region, and according to their answer it was established that the wife of complainant T.I. went missing on the bank of the Chatkal river. Prosecutor's office of Bostanlyk district could not locate the body in the course of investigation into this matter and according to the Article 83 (2) of CPC it was denied to file a criminal case. *This decision was cancelled by the region prosecutor's office and referred to the district prosecutor's office for further investigation, and based on its findings, the decision was made not to file a criminal case. After the inquiry by the Authorized Person for Human Rights on 13.07.2007 this decision was overruled by the Prosecutor's Office of Bustanlyk district, and currently investigation is in progress (ref. # 2179 issued on 26.07.2007).*

The Authorized Person for Human Rights is also receiving complaints about red tape created by law enforcement bodies in handling citizens' complaints.

Mother of N.N., a local police inspector who was killed in police station has been frequenting the police departments for more than two years. *The Authorized Person for Human Rights was contacted by Ms. N.M. with a request to assist in prosecuting the persons responsible in the death of her son (case # 1097p-1z-n). This complaint was followed up by the Ombudsman and referred to Prosecutor General's office on 12.10.2005. According to the answer received (ref. # 3551 issued on 25.10.2005) it was established that on July 6, 2005, the prosecutor's office of Andijan region launched a criminal case according to the Article 97 (1) of the Criminal Code of Uzbekistan, and based on the outcomes as of 02.10.2005, as the person responsible is not identified, preliminary investigation of the criminal case according to the Article 364 (1) was suspended.*

The materials of the criminal case were reviewed by the prosecutor's office of Andijan region, decision to suspend the case was reversed, and preliminary investigation is continued. Prosecutor General's office is following up the investigation.

Ms. N.M. appealed to the office of the Authorized Person for Human Rights on June 19, 2006, for the second time about inaction of the law enforcement bodies and failure to take actions to identify the criminals. This complaint was referred to the Prosecutor General's office with follow-up. In its response (Ref. 1025 on 31.07.2005) Prosecutor General's office noted that the prosecutor's office in Andijan region held an investigation and on 12.12.2005 it was decided to re-qualify Article 97 (1) of the Criminal Code of Uzbekistan (deliberate murder) to Article 103 of the Criminal Code of Uzbekistan (pushing someone to suicide) and refer the criminal case to the prosecutor's office of Khujaobod district. As it was impossible to locate the person, who

committed the crime, according to Article 364 (1) of CPC it was decided to suspend pre-trial investigation. On March 6, 2006, the prosecutor's office of the Khujaobod district annulled this earlier decision and after the investigation the criminal case was terminated according to Article 83(2) of CPC. As this decision was not justified, Prosecutor General's office annulled it on 27.07.2006 and referred the criminal case to the prosecutor's office of Andijan region for additional investigation. Prosecutor General's office is following up the investigation.

These efforts of prosecutor's bodies did not give the expected outcomes, which constituted the grounds for the second complaint of Ms. N.M. to the Ombudsman in March 2007. Following up the complaint by Ms. N.M., the Authorized Person for Human Rights again contacted the Prosecutor General's Office. It was established that according to the findings of the investigation on 27.04.2007, the criminal case was closed according to the Article 83(2) of the CPC. After interference of the Ombudsman, Prosecutor General's Office annulled the earlier decision and sent the case to Andijan region prosecutor's office (ref. # 711 issued on 01.05.2007).

Hopefully, the prosecutor's bodies will make all efforts to uncover this crime and establish the truth.

A complaint by D.M. indicated her disagreement with the actions of the law enforcement bodies creating red tape and negligence of their responsibilities to uncover crimes (case # 2851p-g-n). In her complaint D.M. noted that the staff of the police and prosecutor's office of Akhangaran district of Tashkent region did not take adequate action to uncover crime related to violent death of her son Yu.D. D.M. has appealed to the police and prosecutor's bodies several times but to no avail. This complaint was followed up by the Authorized Person for Human Rights and referred to the Prosecutor General's Office of Uzbekistan. As these actions to uncover the crime did not yield any outcomes, on 17.04.2007 pre-trial investigation of this criminal case was suspended based on Article 364 (1) of Criminal Procedural Code of Uzbekistan. Having reviewed this criminal case, and considering the need to conduct some investigative actions, Prosecutor General's Office reversed the decision to suspend the criminal case and ordered Tashkent region prosecutor's office to uncover crimes in the nearest time. Prosecutor General's office is following up the investigation (ref. 3152, 24.12.2007).

Legitimacy and safeguarding personal rights in the activities of the law enforcement bodies implies not only active involvement of law enforcement bodies but prevention of actions violating citizens' rights and liberties. But there are frequent facts of human rights violations in the practices of law enforcement bodies.

Mr.O. complained about illicit actions of captain O.A. Arifbaev, the investigator for investigation of traffic accidents of the Tashkent City Police Department (case # 4245q-1z-n). In his complaint O. noted that the investigator decided to reject to file a criminal case due to the lack of corpus delicti in the actions of O. But on March 6, 2007, Mr. O. learned that the resolution to reject a criminal case was reversed and case files were forwarded for additional investigation. Despite additional investigation that O. was not informed about, the facts that the pedestrian involved in the accident was under heavy alcoholic intoxication, and explanatory note of O. is missing in the case files. This complaint was followed up by the Ombudsman and referred to prosecutor's office in Tashkent. According to the answer received (ref. # 2748 on 06.11.2007), the resolution not to file a criminal case against the driver made on 02.06.2003 was reversed by Tashkent prosecutor's office on 15.02.2006 and forwarded for further investigation. After the additional investigation by investigator O.Arifbaev, the resolution not to file a criminal case against the driver O. was issued according to the Article 84 (2.1) of the Criminal Procedural Code on March 3, 2006, but this resolution was not submitted for approval of

Tashkent prosecutor's office. On 02.10.2007 Mr..O. contacted prosecutor's office of Tashkent with complaints about the actions of A. Arifbaev, who did not introduce him to the case files and request to take legitimate actions against him.

According to these circumstances, considering the need to conduct additional investigation, the order issued by Arifbaev was annulled by the prosecutor's office of Tashkent city on October 12, 2007, and case files were sent for investigation. According to the report on the findings of the audit by the Tashkent City Police Department, Arifbaev A., traffic accident investigation was reprimanded.

Legal grounds for depriving of liberty of the person suspected or charged with crime due to his arrest as a preventive measure are provided for in the Criminal Procedure Code of Uzbekistan. Detention leads to limitations of human rights and freedoms. Therefore, this preventive measure is admissible only based on law. But numerous individual complaints of citizens to the Authorized Person indicate the cases of **illegitimate criminal charges pressed and illegitimate criminal and procedural measures taken**. Complaint by Mr. I.D. about illegitimate criminal charges pressed (case # 1711q-1g-n) is a bright proof to this end. *The complaint said that the staff of the Department to combat tax and currency crimes and money laundering under the Prosecutor's office filed a criminal case against him illegally. In order to scrutinize the circumstances of the case, the Ombudsman followed up this complaint and referred it to the Prosecutor General of Uzbekistan. In the response of the Prosecutor General (Ref.933 on June 7, 2007) it was noted that in the pre-trial investigation it was identified that Mr. I.D. had not been involved in the case, and according to the Article 83(2) of CPC (lack of corpus delicti in his actions), criminal case against him was terminated.*

The Authorized Person is particularly concerned about the cases when impermissible methods of investigation are used by some law enforcement officers. Illegal use of physical force, beatings, humiliating human dignity, psychological pressure usually exist in pre-trial investigation.

The mother of Mr. K.M. *noted the cases of violence by law enforcement officers in her complaint with a request to provide assistance in changing measure of restraint (case # 1898p-1g-n). Ms. K.R. noted that although her son K.M. suffered cardiac arrest one day prior to arrest, he has been subjected to violence by some law enforcement officers. The staff of the Detention Center # 1 of the Penitentiary Department of the Ministry of Internal Affairs not only used prohibited methods of investigation but also held interrogations at any time of the day, thereby violating criminal procedural legislation. As a result, the health of complainant's son sharply worsened and the ambulance was called up and first aid was provided. This complaint was followed up by the Ombudsman and referred to the prosecutor's office of Tashkent. Based on the case files it was established that K.M. in collusion with K.R., A.A. inflicted bodily injuries to Mr. M.R. based on which a criminal case was launched based on Article 138 (2-b) of the Criminal Code of Uzbekistan (illicit forcible deprivation of liberty). On 28.04.2007 the culprits were convicted and arrested. Guilt of Mr. K.M., K.R., A.A. were in this crime were proven by the testimony of the victim, witnesses, forensic report, minutes of confrontation, examination of the crime scene and other evidence collected. After completion of the pre-trial investigation, on 11.06.2007 the criminal case was referred to the Tashkent city criminal court. Criminal inquiry about the bodily injuries inflicted to K.M. held in custody at Remand Prison # 1 of the General Directorate on Execution of Punishments (GUIN) of the Ministry of Internal Affairs was filed in accordance with the Article 105 (1) of the Criminal Code of Uzbekistan by Tashkent city prosecutor's office on 18.05.2007 and investigation is underway (Ref. 996 on 13.06.2007).*

A significant number of complaints to the Authorized Person for Human Rights come from the individuals about cessation of pre-trial investigation and inquiry process without due grounds .

*In her complaint to the Ombudsman, the mother and the wife of Mr. U.A. noted illicit closure of a criminal inquiry by law enforcement officers and their disagreement with the procedure and process of investigation of this case of violent death. On July 18, 2007, the staff of the fire safety department of the Department of Internal Affairs of Tashkent city, U.A., K.I., and a Kazakh national – N.A. arrived in Dengiz sohili resort. At approximately 4 pm. U.A. and K.I. drowned in the **Tashkent** sea water reservoir near the resort.*

Initially Urta-Chirchik, then Pskent district prosecutor's bodies conducted investigative actions. Due to the lack of corpus delicti, according to the Article 83 (2) of CPC a criminal inquiry was not filed.

For more comprehensive review of the case circumstances, this complaint was followed up and forwarded to the Prosecutor General's office. Prosecutor General, having reviewed case materials, and for clarification of the details of the case appealed, reversed the decision to suspend the criminal inquiry and case files were forwarded to the Tashkent region prosecutor's office for further investigation. This case is being followed up by the Prosecutor General's office of Uzbekistan (Ref. 3184 on 28.12.2007).

Living conditions of the people in custody fully depend on the administration of penitentiary institutions, therefore, limitations of their rights in any form leads to violation of their basic rights. The right of the convicts to complain to various institutions is enshrined in the Criminal Enforcement Code. Complaints to the Secretariat of the Authorized Person for Human Rights from the convicts, their relatives, lawyers and other persons indicate that the violations of human rights are still found in the penitentiary system.

The Authorized Person for Human Rights received 29 complaints related to the issues of transfer of the convicts for serving their sentences. For instance, Ms. A.K. contacted the Ombudsman with the request to facilitate transfer of a convict, K.A. serving his sentence in the colony in Kashkadarya region (case # 1422p-1v-n) to the settlement-type colony. K.A. was sentenced to 15 years of imprisonment by the criminal court of Turakurgan district of Namangan region on November 24, 2000. As the convict K.A. served 1/3 of his sentence and did not offend the prison regulations, administrative commission of the penitentiary institution reviewed his application for transfer to settlement-type colony for serving his sentence further. However, from the response it became clear that the court had not received appropriate records. After the Ombudsman contacted Prosecutor General's office (Ref. # 07/1422p-1g on 09.01.2007), according to the protest of the prosecutor the earlier ruling was annulled and records relevant to transfer to the settlement-type colony were sent to the court (Ref. # 184 on 05.02.2007). However, Ms. A.K. again appealed to the Ombudsman that her husband had not yet been transferred to settlement-type colony. The Authorized Person for Human Rights referred the request to the Prosecutor General's office of Uzbekistan, and according to their answer (Ref. 947 on 06.06.2007) it was established that on February 26, 2007, the criminal court of Karshi ruled to grant the motion of prison administration to transfer K.A. to settlement-type colony. On March 13, 2007, the convict A.K. was transferred from UYa -64/33 to settlement-type colony UYa 64/75 in Tashkent region where he is serving his sentence.

It would be impossible to address these complaints to the Authorized Person for Human Rights without collaboration with competent government institutions. Partnership-style collaboration has been forged with Prosecutor General's office, which is providing assistance in lawful resolution of individual complaints.

The actions of pre-trial investigation bodies comply with the principles of respect for citizens'

rights and freedoms, legitimacy, presumption of innocence. However, some law enforcement officers violate these provisions in the investigation process. To this end, it is particularly notable that **law enforcement officers are being prosecuted** for their illegitimate actions.

Ms. U.N. complained to *the Authorized Person for Human Rights about inaction of the authorities in the case of medical malpractice by doctor Yu. J. and failure to prosecute him (case # 648-1g-n). It was established that doctor Yu.J. did not properly put the broken arm of U.N. in the plaster, which has led to bone displacement. Investigator of Kumkurgan district police department was in charge of pre-trial investigation of this case, who declined to file a criminal inquiry according to the Article 83(2) of the CPC on January 2, 2007. The Ombudsman referred this complaint to identify all details of the case to the prosecutor's office of Surkhandarya region, and as a result, the prosecutor's office of Kumkurgan district reversed the decision of the investigator R. Nazarov and sent the case to the Kumkurgan district police department. A disciplinary action was taken against the prosecutor R. Nazarov for red tape in handling the complaint of Ms. U.N. The district prosecutor's office is following up the investigation of the case of Ms. U.N. (Ref. # 475 on 26.03.2007).*

These examples indicate that the reasons for human rights violations in the activities of some law enforcement officers stem from the lack of proper oversight of prosecutor's bodies and courts over compliance of respective officials with law and inadequate managerial oversight of subordinates. Meanwhile, according to the law, law enforcement officials sign fateful documents: arrest and search warrants, indictments, make decisions that affect human fate, life, health, liberty, honor, and dignity.

II. Right for Fair Trial

Review of the complaints received by the Authorized Person for Human Rights of the Oliy Majlis enables to conclude that the citizens are particularly in need for fair trial in the area of human rights. Legal ignorance of citizens, inadequate oversight by the higher courts and lack of public oversight of legitimacy lead to a common citizen left alone to face his grief and lose faith in justice.

It is notable the relations of the Authorized Person for Human Rights with the judiciary are displayed in the awareness raising related affairs as well as review of the case of infringement of the rights of the persons - parties to the trial.

According to the annual reports by the Authorized Person for Human Rights, citizens' complaints by the categories of questions related to the right for fair trial constitutes the most numerous group of complaints.

According to the statistics, the number of complaints to the Ombudsman on this subject in comparison with the previous year increased in Kashkadarya, Andijan, Ferghana, and Jizzakh regions.

Complaints related to the Right for Fair Trial	2006	2007
City of Tashkent	325	343
Andijan region	51	98
Bukhara region	36	39
Jizzakh region	28	39
Kashkadarya region	72	100

Andijan region	44	27	2	19	6	98
Bukhara region	14	27	-	6	3	40
Jizzakh region	16	13	-	9	1	39
Kashkadarya region	44	34	-	15	7	100
Navoi region	14	18	1	4	4	44
Namangan region	15	14	-	3	4	36
Samarkand region	29	45	1	11	9	97
Surkhandarya region	7	9	1	5	1	23
Syrdarya region	29	45	1	21	4	100
Tashkent region	34	45	-	18	5	102
Ferghana region	21	33	2	7	5	68
Khorezm region	15	10	2	7	2	36
City of Tashkent	105	177	3	31	30	346
Republic of Karakalpakstan	9	8	-	3	1	21
Complaints from the convicts	5	-	-	-	-	5
Russian Ombudsman	1				1	2
Ombudsman of Ukraine		1			1	2
Russian nationals	1	1		1		3
No address	2					2
Total	405	502	13	161	83	1,164

As noted in the complaints, while turning to the courts for redressing violated or contested right and legitimate interests, the citizens encounter non-compliance with the provisions of laws and regulations related to fair trial and violations of procedural legislation in criminal and civil cases. Inter alia, 70% of complaints to the Ombudsman include facts of incompliance of the inferences contained in court rulings, actual details of the case reflected in the court records, offences in the pleadings as well as the facts of inadequate attention of the judiciary and prosecutor's office to the evidence produced by the complainants to argue for their demands.

As the review has shown, in their complaints with regard to the infringements of their rights related to criminal proceedings, individuals inform of the court sentences violating defendant's right for protection right to use mother tongue and interpreter's services, indictment-driven trial, denial of lawyer's requests and motions to the court in the examination of the witnesses, conducting essential examinations, special rulings due to the egregious errors and procedural violations in pre-trial investigation.

The number of complaints to the Ombudsman about non-compliance with the legislative requirements and civil-procedural guarantees by courts handling personal, property-based and social rights of citizens as well as the rights and statutory interests of companies, institutions, organizations, public associations, and civil self-governance institutions has not declined since last year.

The complaints indicate those cases of unilateral, prejudiced, and unfair resolution of disputes emerging of family-related, housing, and inheritance relations, property relations, etc.

The complainants note that in the course of the trial the evidence submitted to prove that the complaint is grounded or not are not thoroughly reviewed, and motions relevant for the case are not granted, which affects legitimacy and fairness of the ruling. There are cases of prejudiced approach of some judges to one side in the trial, inability to access court rulings in timely manner after the case is closed.

Court hearings and producing trial records in the language understandable for its participants are among guarantees to ensure equal standing of the parties in the trial. According to the legislation, trial records are submitted to the parties after translation to their mother tongue or another language that they are fluent in.

However, as indicated by the analysis of incoming complaints and attached court rulings, there are cases when the provisions of Article 9 of the Law on Courts are not upheld. The citizens without knowledge of the state language have to spend not only time but also money for their translation thereby limiting those procedural deadlines for making and filing appeals.

Enforcement of the ruling by any court is regarded as an essential part of the judicial process. The issues related to regulation of court rulings are determined not only in the procedural codes but also in the Law on Enforcement of Judicial Acts and Acts of Other Bodies.

Enforcement procedures – implementation form of government enforcement of judicial and other acts to redress violated rights, liberties, and legitimate interests of individuals and organizations.

Despite the efforts made to improve the situation, non-execution of civil court rulings remains as the most burning issue.

The most burning issues in the process of implementation of this form of government enforcement of judicial and other acts is collection of overdue wages, reinstatement in the earlier position; recovery of dues from individuals and legal entities; collection of alimony. In their complaints to the Ombudsman the individuals complain about non-execution of court rulings for long period, and actions (inaction) of bailiffs. Citizens' complaints to the respective institutions to take measures to remedy the situation remain unanswered.

In order to verify the arguments contained in citizens' complaints, **462** complaints were followed up by the Ombudsman, of which 382 complaints were referred to the competent bodies for additional scrutiny of specific cases either to redress the offences or give comprehensive grounds for legitimacy of their actions. The facts of non-implementation of procedural norms of procedural norms by **59** complaints were found to be grounded and respective measures were taken to redress the infringed rights of the citizens, while **117** are being reviewed.

Complaints related to the Right for Fair Trial	Total petitions received	Of which followed-up	Forwarded with follow-up	Of which resolved positively	Still under consideration
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Discontent with court rulings on criminal cases	405	154	131	17	34
	502	193	141	20	41
Discontent about court rulings on civil disputes					
	13	11	10	1	3
Discontent about rulings on business disputes					
Non-enforcement of court orders	161	76	74	17	28
Red tape in court hearings and disagreement with judge's actions	83	28	26	4	11
Total	1,164	462	382	59	117

The complaint from a convict Z.N. (# 4535p) was reviewed by the Ombudsman. It was established that he was convicted by the Kuva district criminal court based on Article 169 (3-na) of the Criminal Code of Uzbekistan and sentenced to five years and one month and two days of imprisonment. After consideration of the complaint jointly with the Prosecutor General's Office of Uzbekistan, violations of the Article 22 of CPC of Uzbekistan, which were not addressed upon the review of the criminal inquiry by the trial court and appeal court, were identified. After the protest of the chairman of the Ferghana region court this case was reviewed by the presidium of the region court, which overruled the previous court sentence and sent the case for further investigation.

Ms. N.D. complained about refusal of the Mirzo Ulugbek interdistrict civil court to consider her statement of claim (# 1700). According to the complainant, when her husband was in the penitentiary institution, the precinct police inspector and notary of the 1st Notary Office of Yakkasaray district used forged documents to make sale contract of the apartment and the car that belonged to her husband. After the release her husband filed a lawsuit to annul the sale agreement but the court ruled against consideration of the lawsuit. Having reviewed the complaint of Ms. N.D. with the request of the Ombudsman, Tashkent city prosecutor's office protested the court ruling and sent it to the Tashkent city civil court.

After the review of the complaint of Mr. D.K. (# 3105p) it was established that the Sariosiyo district criminal court ruled to issue a warning to the complainant in the administrative case. But due to negligence the court clerk made an error in the enforcement order imposing a fine on Mr. D.K. After interference of the Ombudsman this violation was addressed by the Surkhandarya region court, while the chairman of the district court was warned against these errors.

N.Karpacheva – the Authorized Person for Human Rights of Verkhovna Rada of Ukraine contacted the Ombudsman with the request to protect housing rights of a Ukrainian national, Ms. N.S. According to the letter, Ms. N.S. bought a house with a landplot in 1999 and has not been able to utilize her right for the land, as the neighbor had occupied the part of this land plot. Ms. N.S. has not been able to protect her rights for the landplot that she legally owned. According to the response of the Supreme Court of Uzbekistan, in light of the procedural violations by the lower courts, judicial collegiums for civil cases of the Supreme Court granted the protest of the deputy chairman of the Supreme Court, and previous court rulings were reversed, and the case was transferred to the Tashkent civil court for hearing as a trial court.

For protection of the housing rights of Ms. Z.A. (# 227p) and her small children the Ombudsman voiced the complaint about discontent with the rulings of the Chirchiq interdistrict civil court to validate the contract and the order to evict her. As the complainant indicated, the grounds for

this decision was the death certificate issued based on the ruling of Chirchik interdistrict civil court to declare Ms. T.E. deceased, while after the request to the address bureau of Ekaterinburg city it was established that Ms. T.E. was alive and well at the time of court ruling. To this end, the complainant has complained to the court and law enforcement bodies about illegitimate court ruling but no measures were taken. At the request of the Ombudsman, the complaint by Mr. Z.A. was reviewed by Tashkent region civil court and based on the resolution of the Presidium of this court all earlier rulings were overruled and the case was sent back to the trial court.

The complaint of Mr. M.U. (# 2932) about his disagreement with the rulings of trial and appeal courts of Samarkand region on ownership rights for housing was reviewed by the Ombudsman and sent to the Supreme Court of Uzbekistan. The collegiums for civil cases overruled the earlier court rulings and the case was returned for new hearing.

*Ms. T.M. contacted the Ombudsman with a complain about red tape in handling a civil case on the lawsuit of **Dianorg-Service** Private Homeowner Cooperative to collect maintenance and utility fees and counterclaim of the complainant to recover material damage and moral harm (#1896). After scrutiny of the arguments in the complaint of Ms. T.M by the recommendation of the Authorized Person for Human Rights, the chairman of Tashkent city civil court issued a protest, and the praesidium of the Tashkent city civil court overruled previous court rulings and the case was returned for new hearing.*

The complaint of Mr. J.S. (# 175) about his disagreement with the actions of the judge of Samarkand region economic court was reviewed jointly with the Prosecutor General's Office of Uzbekistan. It was established that the complaint of the complainant was reviewed by the prosecutor's office of Samarkand region and a criminal inquiry was not filed in April 2006 according to the Article 83(2) of CPC of Uzbekistan. After the review the Prosecutor General's office overturned this decision, and the case was returned for further investigation.

According to the responses of the Department for Enforcement of Court Rulings, Technical and Financial Support to the Courts under the Ministry of Justice and its region departments, 23% of all followed-up complaints about non-execution of court rulings contained fair and objective criticism by the complainants, and essential measures were taken to redress citizens' violated rights.

Ms. M.Ch. complained about non-execution of court ruling on alimony payments to support underage child (# 1832). After interference of the Ombudsman, Kashkadarya region department collected the overdue alimony, while the chief accountant of Machine-Tractor Park of Chiroqchi district was warned to transfer alimony payments in time.

Mr.S. (# 996) complained to the Ombudsman about extended non-execution of the court ruling to collect 2,417,665 soums of material damage and 500,000 soums of moral compensation. After the review jointly with Prosecutor General's office, the Department for Enforcement of Court Rulings under the Ministry of Justice of Uzbekistan took measures to collect the remaining amount for the complainant, while disciplinary action was taken against bailiffs R. Yuldashev and O.Rizvonov.

Mr. V.A., who within a year could not move into his apartment according to the ruling of Ahangaran interdistrict civil court on July 12, 2006, complained (# 1926) about the actions of the bailiff. According to the response of the Department for Enforcement of Court Rulings under the Ministry of Justice of Uzbekistan, the complaint of Mr. V.A.was considered by Tashkent region department and on June 4, 2007, the court ruling was executed according to the countersigned acknowledgement of the complainant.

For impartial resolution and more comprehensive review of the arguments of the complainants indicated in the complaints, 80 cases were turned over to the expert assessment of the members of the Expert Council to identify violations of citizens' rights and making proposals to redress identified violations.

Complaints related to promoting the right for fair trial	Total followed-up	Forwarded to examination	Pending examination
Criminal inquiries	154	20	3
Civil inquiries	193	51	1
Business disputes	11	-	1
Non-enforcement of court orders	76	2	
Red tape and courts' actions	28	2	-
Total	462	75	5

According to the findings of the expert assessment, the complainants are given essential explanations or advised on measures they can take to safeguard their rights and legitimate interests. In cases when the infringements of violated rights are not found, the complainant is sent an answer about the legality of the court rulings and lack of the grounds for Ombudsman's interference.

Considering the opinions of the members of the Expert Council and according to the Article 14 of the Law on the Authorized Person for Human Rights, 8 reports were issued, of which 4 were sent to the Supreme Court of Uzbekistan and 1 to Tashkent region prosecutor's office and 1 to Tashkent city criminal court.

Opinions of the Ombudsman	Total prepared	Total forwarded
Criminal cases	3	3
Civil cases	5	3
Total	8	6

Mr. P.A. appealed to the Ombudsman (# 2338p) with the request to provide assistance in overruling an illegitimate court order to fine him 9 million soums. As indicated by the complainant, the Yakkasaray district court found him guilty but by the resolution of the Praesidium of Tashkent city criminal court the sentence was overruled and the case was returned to the trial court for new hearing. Thanks to implementation of the Paragraph 6 of the Resolution of the Senate of the Oliy Majlis of Uzbekistan "on Amnesty", Yakkasaray district court ruled to close this criminal inquiry without sentence. At the same time, the court ruling does not specify any fines to be imposed on the complainant i.e. on the day of court ruling on cessation of the criminal inquiry, Mr. P.A. was not registered as indicted and convicted of crime. Also the pre-trial investigation or court have not found seized valuables of him as means of crime. However, a new ruling was issued to impose a fine of 9 million soums on him.

In the course of expert review of P.A.'s complaint, it was established that additional order of the judge Kh.J. Berdiklichev was made in violation of the criminal-procedural norms. To this end, the Authorized Person complained to the Tashkent city criminal court, which issued a protest to the court order.

Analysis of the complaints indicates that the activities of the bailiffs does not meet the requirements for timely and complete enforcement of court rulings, there are serious violations in the procedures and there is no due oversight of the enforcement discipline. These flaws were addressed in the Resolution of the President of Uzbekistan *on Measures for Further Improvement of the System for Enforcement of Court Rulings, Technical and Financial Support to the Department under the Ministry of Justice of Uzbekistan* issued on November 1, 2007, and recommended to develop and implement a range of measures aimed at comprehensive improvement of organizational efforts, reinforcement of the legitimacy and discipline and enhancement of prevention efforts among Judiciary Department staff.

In this regard it deems appropriate to monitor compliance with citizens' rights in enforcement of court rulings jointly with the Ministry of Justice.

1. Right to Work

The right to work is among basic human rights.

Modern labor policies consist of the activities of government and civil society institutions and social partners for development and implementation of the goals, objectives, principles, main areas, priorities, forms and methods for development of labor rights and other relations. On international and domestic level, labor-related human rights are included among basic human rights, which determine their recognition, compliance, and protection as major constitutional and international commitments of the government and social partners for labor regulations.

According to the Constitution, the legal system of Uzbekistan includes the principle of direct application of international norms and their priority over domestic legislation. Hence, the provisions of international treaties of Uzbekistan or International Labor Organization Convention ratified by Uzbekistan are applied in those cases when labor relations are not directly addressed by legislation.

The Constitution of Uzbekistan guarantees the right for work, unhindered choice of work as well as healthy and safe working conditions.

The Basic Law of Uzbekistan reinforces human and civil rights and freedoms excluding discrimination based on racial, national, linguistic, religious, and social background, beliefs, personal and public status. Reinforcing the principle of impermissibility of limitations of labor rights and liberties and granting someone preferences, the Labor Code was amended by the list of criteria such as *age, property and occupation, and affiliation with public associations*.

Labor Code of Uzbekistan includes a special section on *Additional Guarantees and Benefits for Certain Categories of Workers*, which stipulates socioeconomic rights for women and persons involved in house work.

Despite achievements in promoting socioeconomic human rights, there are still cases of violation of labor legislation, payment, labor safety and protection by the employers.

According to the statistics, the number of complaints received by the Ombudsman and related to the offences of labor rights by employers increased up to 340 in the reporting year (295 complaints in 2006, and 316 - in 2005).

Labor right	2007	2006	2005
Disagreement with dismissal and transfer to another job	85	159	100

Disagreement with the actions of the management (of an institution, organization, company)	129	91	111
Wage arrears	49	39	56
Total	340	295	316

Citizens' labor related complaints are coming to the Ombudsman from all regions of the country.

	Disagreement with dismissal (downsizing)	Disagreement with dismissal and transfer to another job	Disagreement with dismissal and transfer to another job	Access to certificates and other records	Labor migration affairs	Access to jobs	Total
Andijan region	6	10	2	-	-	1	19
Bukhara region	2	2	1	-	-	4	9
Jizzakh region	5	5	3	-	1	3	17
Kashkadarya region	14	15	11	-	6	14	60
Navoi region	7	8	1	-	-	3	19
Namangan region	5	5	2	-	4	2	18
Samarkand region	3	5	6	1	-	4	19
Surkhandarya region	6	18	5	-	6	5	40
Syrdarya region	2	2	1	-	-	-	5
Tashkent region	10	22	7	2	4	5	52
Ferghana region	3	7	-	1	2	1	14
Khorezm region	3	3	1	-	-	2	9
City of Tashkent	17	25	9	1	-	4	56
Republic of Karakalpakstan	2	2	-	-	-	-	4
Russian citizens	-	-	-	1	-	-	1
TOTAL	85	129	49	6	23	48	340

Based on the findings of the analysis of written and verbal complaints of citizens, the following offences are most numerous: incompliance with requirements for wages; compensating damage inflicted to the workers' health; recruitment and dismissal; compliance with work and leisure time regimes; incompliance with the labor conditions for women and youth; making and implementation of collective treaties, which indicates the need to promote constitutional guarantees and actual capabilities of the citizens to implement them.

Out of all complaints from the citizens who have asked for protection of their labor rights (340), the Authorized Person for Human Rights followed up **152 complaints** and sent them to the competent bodies for remediation. After interference of the Authorized Person, labor rights of 30% of applicants were redressed.

	Disagreement with dismissal and transfer to another job	Disagreement with dismissal and transfer to another job	Disagreement with dismissal and transfer to another job	Access to certificates and other records	Labor migration affairs	Access to jobs	Total
Total petitions received	85	129	49	6	23	48	340
Of which followed-up	36	56	32	3	12	13	152
Reviewed	25	37	22	3	5	10	102
Of which resolved positively	3	10	13	1	-	3	30
Still under consideration	11	19	10	-	7	3	50

In the area of protecting citizens' labor rights, the Ombudsman took action in response to the collective complaint (# 2711p-3a) about illegitimate dismissal of several staff members of Pakhta Bank JSC of Jizzakh region. After thorough review by Pakhta Bank JSC the arguments of the complainants were proven and dismissed staff members were reinstated in their previous jobs.

Amid review of the complaint by Ms. M.I. (# 1433p-3b) to the Ombudsman about his disagreement with dismissal from the position of a cashier in Jambay branch of National Bank of Uzbekistan, Samarkand region prosecutor's office established that she was dismissed due to egregious violations in her work. But considering that Ms. M.I. was pregnant at the moment of dismissal, she was reinstated in her position and paid compensation in the amount of 200,000 soums.

A group complaint (#2p-3b) about the actions of the head of educational department of Dekhkanabad district and administration of the school # 45 was forwarded by the Ombudsman for review to Prosecutor General's office and Ministry of Public Education. The audit identified egregious violations of financial discipline and theft of state property. A criminal charges were pressed against the logistics manager of the school V. Khazratov according to the Article 167 of Paragraph 1 of Criminal Code of Uzbekistan and a fine in the amount equaling 50% of his salary was imposed. The school principal was fined 30% of his salary. Educational department of Kashkadarya region took the issues of labor and executive discipline as well as educational processes at the school # 45 under its special control.

*A group complaint (# 2696p-3b) about violation of founders' rights who bought 58% of the shares of **Buxorokhamkorqurilishservis** was forwarded by the Ombudsman to the local department of the State Property Committee and khokim (governor) of Bukhara region. After the open court hearing a decision was made for the benefit of the founders and the certificate of privatization of this company was found to be invalid.*

The Ombudsman is still receiving complaints about violations of worker rights to be paid for their work. In order to identify the reasons for wage arrears and identify the facts of improper use of funds 32 requests were made to the competent bodies with follow-up and more than 60% of the requests were resolved positively.

A group complaint (# 2283p-4v) about the wage arrears for 4 months at the Urgutgazta'minot were reviewed by the Samarkand region prosecutor's office and measures to pay out the overdue wages were taken.

Thanks to the intervention at the request of the Authorized Person for Human Rights in the process of redressing violated labor rights of the regional representative of the Ombudsman in Tashkent city and the prosecutor's office, overdue wages were paid to the workers of Stroymechanizatsiya UM-4.

The workers of Ammofos OJSC petitioned to the Ombudsman (# 2543p-3v) with a request to facilitate payment of overdue wages for March-April 2007. According to the response of the Central Bank of Uzbekistan this issue was followed up and UzDaewoo Bank took measures to address this issue.

The main objective of redressing violated workers' rights should be facilitating unhindered realization of workers' rights, when this is impossible, then to compensate for infringed rights. Facilitating fast and accessible mechanism of redressing violated rights should be implemented by various forms of safeguarding workers' rights.

The Authorized Person believes it is appropriate to focus the attention of government bodies safeguarding citizens' rights and trade unions to the necessity of promoting legal awareness for protection of workers' rights and conduct joint training workshops and awareness raising for the citizens with the help of the media.

2. Right for Education

In modern times the quality of education is among important factors of economic growth and essential precondition for enhancing the competitiveness of the country. The right for education is recognized as a fundamental constitutional human right.

According to the Article 41 of the Constitution of Uzbekistan everyone is entitled the right for education. The government guarantees free-of-charge general education. The schooling is under government oversight.

The Article 73 of the Family Code of Uzbekistan contains the constitutional norm about the responsibilities of the parents to provide their children the essential education according to legislation.

Legal underpinnings of educational reforms were created by adoption of the laws "On Education" and "National Human Resources Training Programme". After adoption of the National Programme for Human Resources Training the new concept for development of educational cluster became the part of overall strategy of economic transformation.

An active lawmaking process in the educational sector leading to the adoption of more than 500 regulatory acts is focused on safeguarding constitutional right for education. The following are the most important ones:

Decree # UP-3431 on *State Nationwide Programme for Development of School Education for 2004-2009* of the President of Uzbekistan issued on 21.05.2004;

Resolution # 493 of the Cabinet of Ministers on the *Programme for Procurement of Furniture, Modern Training and Laboratory Equipment, Computers, and Sports Inventory for Basic Schools in 2005-2009* issued on 21.10.2004;

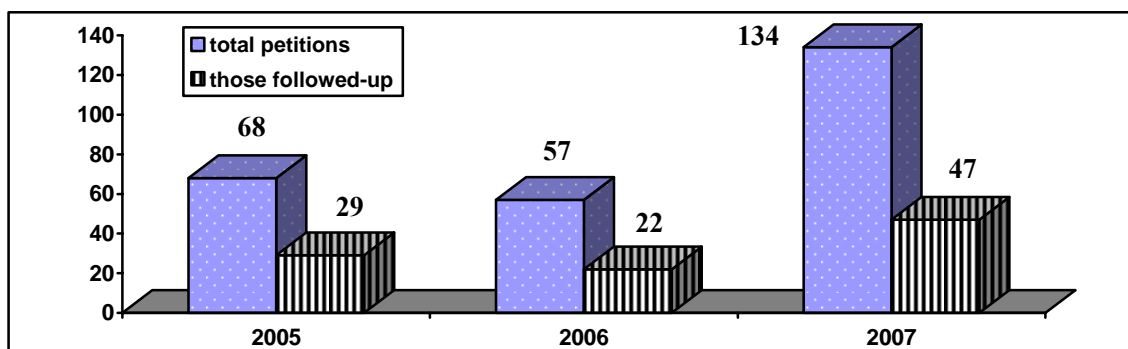
Resolution # 548 on the *Programme for Publication of Textbooks and Training Aids for Basic Schools in 2005-2009*;

Resolution # PP-362 *On Additional Measures for Improvement of the System for Textbook Procurement for Basic Schools, etc.*

Guaranteeing the opportunity of every individual actually utilize his rights, the government promotes adequate legal protection in case of infringement of the rights.

As indicated by the analysis of citizens' complaints to the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan, the educational system is still causing criticism among the citizens.

It is notable that the number of complaints in the educational sector significantly grew in the reporting year and amounted to 134.



The greatest number of complaints about the actions of the faculty and administration of educational institutions and disagreement with the findings of the tests came from the city of Tashkent, Kashkadarya and Surkhandarya regions.

	Disagreement with the actions of the staff or management of educational institutions	Disagreement with the actions of the staff or management of educational institutions	Disagreement with the actions of the staff or management of educational institutions	Total
Andijan region	4	2		6
Bukhara region	2	1	1	4
Jizzakh region	2	2		4
Kashkadarya region	17	3	1	21
Navoi region	3	3		6
Namangan region	2	1		3
Samarkand region	6	2	1	9
Surkhandarya region	20	2		22
Syrdarya region	1	7		8
Tashkent region	3			3
Ferghana region	8	3		11
Khorezm region	3			3
Tashkent	24	8		32
Republic of Karakalpakstan		2		2
Total	95	36	3	134

The main issues that the citizens encounter are primarily related to unsatisfactory funding for the educational system as well as unstreamlined implementation mechanism.

Depreciation of capital assets of the rural educational institutions, shortages of teachers, lack of appropriate qualifications of teachers, inadequate infrastructure and resources of educational institutions. The number of complaints to the Ombudsman has also increased as the parents are forced to provide financial support to the educational institution, pay for additional classes for certain fees, registration of primary school students for extended classes for surcharges for doing homework.

Category 1 disabled D.Kh., a father of two students in Grade 7 and 5 of the school # 35 in Mirzo Ulugbek district in Tashkent city, complained to the Ombudsman (2436d-4a) about illegitimate actions of the school administration. As indicated by the complainant, despite major renovation of the school in 2006, there are still annual collection of fees for maintenance of classrooms, purchase of curtains, locks, curtain rods, hangers, etc. Parental donations are not recorded and deposited into the balance sheet of the school, which causes fair discontent about the performance of the parental committee and school administration.

After the review by the regional representative of the Ombudsman in the city of Tashkent at the assignment of the Ombudsman, these arguments were substantiated. In May 2007 the school principal was relieved of his position. Currently Board of Trustees is in place in the school, operating in accordance with the Charter and donations to support the school are made only voluntarily, while the issues raised in the complaint are being followed up.

The collective complaint of the residents of Dekhisurkh village of the Surkhandarya region (#3600) to the Ombudsman noted that a former building of shirkat (agricultural cooperative) was used as the premises of school# 47 in 1997-2007, as 2 classrooms, a library, and a warehouse were located in this building. But this building was not on the balance sheet of the district educational authorities. After establishment of private farms, the building of former shirkat was sold in auction for 3,250,000 soums. The village residents had appealed to the district authorities to return the building for the school but no decision has been made.

A commission established solely thanks to the intervention by the Ombudsman reported that the building can be used as a school after major renovation. As khokim's decision was not annulled, the individuals litigated to the court with a lawsuit to annul the decision made earlier.

The number of complaints addressed to the Ombudsman after summing up the outcomes of the university admission exams is increasing each year.

Mr. A.B. wrote about his disagreement with the results of the tests (#3586d-4b). After the review of the complaint by the assignment of the Ombudsman, State Testing Center under the Cabinet of Ministers established that technical errors were made in processing examination materials, which affected the outcomes of tabulation. After clearing the errors, the complainant was recommended for admission to the Tashkent Medical Academy.

In his complaint Ms. D.U. (#4009p-4b) indicated that she scored 189.9 at the admissions exams of the National University but her answer sheet was replaced at the Testing Center. After the review, these arguments were not substantiated but the commission for university admissions allocated additional quota to the university for law degree and complainant got enrolled.

For improvement of the activities of the government bodies for implementation of the constitutional rights of the individuals for education, it is appropriate to focus on financial and technical endowment of the schools, colleges, and other educational institutions; establish public management bodies (including kindergartens and schools) at each educational institution for oversight and monitoring of the activities of the administration of the educational institution. It is essential to actively promote the practice of instituting ombudsmen at educational institutions. Currently specialized ombudsmen are working at four higher educational institutions.

5. Welfare Rights

Public welfare consists of the set of economic, social, and legal measures implemented by the government bodies, public organizations, companies, institutions of different level designed to improve living standards.

Development of social legislation focused on protection of the interests of the vulnerable groups of population and providing them support and care is among major priorities in government policy.

Right for welfare implies that the government guarantees subsistence funds for citizens deprived of (fully or partially) of the ability or opportunity to work and generate income by work but also support in raising children to the families.

The Constitution of Uzbekistan guarantees welfare rights in the old age, disablement as well as loss of the breadwinner and other cases envisaged by law (Article 39).

The welfare rights cover the disabled individuals (elderly, individuals with Grade 1 and 2 disabilities), temporarily disabled (sick persons, individuals with Grade 3 disabilities). Social support implies payment of pensions and benefits to maintain their living standards not below subsistence rate.

The Labor Code of Uzbekistan provides for state social insurance for all staff and their family members as required with the following benefits:

- Benefits for temporary disablement (Article 285), pregnancy and child benefits (Article 286);
- Child benefits (Article 287);
- Age-based pensions, disability benefits and loss-of-the-breadwinner benefits (Articles 289, 290, 291);
- Other benefits stipulated by law.

The procedures for implementation of citizens' constitutional rights for welfare in old age are determined by the Law on State Pension for Citizens, which sets forth an integrated system of state pensions, the procedures for eligibility, calculation, adjustments, and payments.

For further implementation of targeted policies to consistently increase people's incomes and living standards, provide comprehensive care to the elderly, increase their pensions as well as consistent improvement of the pension system according to the Decree # UP-3921 on the Measures to Improve Social Support to the Retirees of the President of Uzbekistan issued on September 17, 2007, the maximum amount wages used for estimation of pensions was increased from seven to eight minimum monthly wages since October 1, 2007.

Considering the proposals by the government bodies and public associations, scholars and experts to improve the mechanisms to protect the rights and liberties of the disabled children and in order to ensure compliance with the laws on *Education, National Human Resources Training Programme, Social Security for the Disabled*, and implementation of the *State Programme of the Year of Social Protection*, the Cabinet of Ministers of Uzbekistan approved the Statute on Special Vocational College for Persons with Disabilities on May 17, 2007.

However, creation of the legal framework to alleviate social issues does not yet guarantee its implementation, which is indicated by the ever increasing number of complaints to the Ombudsman about violations of the welfare rights.

Complaints about Infringements of Welfare Rights	2005	2006	2007
Complaints about the amount of pension	50	63	53
Pension arrears	16	14	15
Retirement upon attainment of minimum age or by nature of occupation	-	-	14
Access to financial assistance and benefits	116	109	154
Access to benefits	32	13	38
Total	214	199	257

In redressing citizens' complaints, it was established that the state welfare institutions have been violating the laws and constitutional rights of citizens for retirement benefits.

The current system of pension calculation has been subject to much criticism, as due to the negligent treatment of archive records at institutions and organizations, some individuals are losing decades of working time records.

There is an increasing flow of complaints related to the financial assistance to the poor families, disabled senior and lone individuals as well as benefits.

These petitions require thorough review and counseling of experts. To this end, the Ombudsman followed up **109 complaints** in the reporting year and forwarded to the appropriate institutions for resolution.

Welfare right	Total	Followed-up
Complaints about the amount of pension	53	30
Pension arrears	15	10
Retirement upon attainment of minimum age or by nature of occupation	14	8
Access to financial assistance and benefits	154	46
Access to benefits	38	15
Total	274	109

Many complainants indicate that their retirement benefit has not been granted in due amount.

Mr. B.S., a father of underage children complained to the Ombudsman about his disagreement with the amount of the pension granted and a request to extend financial support (#4599p-5a). The Ministry of Labor and Public Welfare of Uzbekistan reviewed the arguments at the request of the Ombudsman and they turned out to be grounded partially. Although the amount of complainant's pension was not revised, as the calculation was based on the current legislation, a child benefit and financial support were allocated for those two children.

Due discontent of citizens lead to chronic delays in payment of pensions for 10 days and more. Meanwhile, the workers always blame the welfare bodies, who did not provide the records, while the welfare bodies blame the banks, which do not provide cash on time.

A group complaint by the retirees of Chilanzar district of the city of Tashkent (# 292p-5b) at the request of the Ombudsman was reviewed at the Tashkent city department of the Xalq Banki and city Department for Labor and Social Welfare. The issue of timely payment of pensions is under special control, while the postal office committed itself to pay out all pensions on time.

A letter from Mr. G.V. (#4348p-5v), a person disabled by professional disease was forwarded for review to the khokimiat (local authorities) and prosecutor's office of Tashkent region. The facts in the complaint were proven and the factory management paid entire outstanding debt. The local authorities and law enforcement bodies established oversight of enforcement of current social legislation and prevention of violations of citizens' constitutional rights.

The local self-governance authorities bear the main burden of protection of the social interests and assistance to those population groups in need, and they are delegated the mandate to facilitate area-based social development. The main criterion in providing support to the population is compliance with the principles of social justice, transparency in decision-making, targeted nature, and prevention of dependency.

In the meantime, the review of the incoming complaints of citizens indicate that the activities of the mahalla committees do not meet the requirements, citizens do not always find support from the elderly and there are cases of benefits granted without any grounds. Mahallas are not providing adequate financial support to the to the poor and young families in paying for utilities or accessing preferential loans.

The Authorized Person for Human Rights is particularly concerned by the fact that before appealing to the Ombudsman, the individuals appeal to the respective bodies several times but to no avail. At the same time, the requests sent by the Ombudsman with the proposal to investigate and redress violated rights, 25% are resolved positively.

For instance, Ms. A.E. could not get child benefit and financial assistance for a long time (# 3754p-5g). At the request of the Ombudsman, Andijan region department of Mahalla Foundation set up a commission and reviewed the family situation of the complainant. After the review, it was decided to grant child benefits – for one child until two years and for 3 children up to attainment of the age of 16.

Mr. S. appealed to the Ombudsman for financial support for his poor family (#559d-5d). As indicated in the complaint, for several years they were not able to pay for utility fees as they lived on the pension of the disabled husband. The Authorized Person for Human Rights contacted the Mahalla Foundation and the governor of Bukhara region for assistance, who took the essential measures to support the family in need. Inter alia, the mahalla committee provided

financial assistance in the amount of 400,000 soums and donated a TV-set. The khokimiat paid the outstanding electricity bill in the amount of 238,704 soums and provided assistance in the amount of 40,000 soums. Two elder sons of Ms. S.G. were recruited as paid interns, while the complainant herself was appointed a cleaner at the kindergarten.

Mr. U.F. (# 1776d-5g) informed of his difficult financial situation and asked for assistance in supporting two underage children who are currently under mother's custody. Tashkent region department of Mahalla Foundation provided warm clothing to the children at the request of the Ombudsman and financial assistance will be provided to them for the subsequent 6 months.

Only after interference of the Ombudsman, the problems faced by Mr. R.Kh. with 1st category disability (#3068d-5g) were addressed. In his letter the complainant indicated the negligent attitude of local authorities to his request to provide financial assistance for major renovation of his studio apartment with 6 residents. According to the response of the Mahalla Foundation and governor of Navoi region, this petition was thoroughly reviewed, the house was renovated, financial assistance was provided and benefits were granted.

The Ombudsman forwarded the petition of Mr. K.R. (# 662-d-5d) requesting financial assistance to the family, which has lost a son in the military service to Surkhandarya region department of Mahalla Foundation. Considering the family's situation, the farmer was granted 0.3 hectares of land and assistance in the amount of 55,980 soums. The community where petitioner's son lived was named after him and a memorial football game was organized.

The Ombudsman continues to receive complaints about untimely payment of compensation for health damages and benefits for the loss of breadwinner.

Having review the complaint by Mr. M.K. by the assignment of the Ombudsman (#833p-5g) about long arrears in payment of disability benefit, Tashkent city Prosecutor's office appealed to the interdistrict civil court with a lawsuit to collect 368,984 soums from TashEngStroy.

After the review by the prosecutor's office of Angren city in Tashkent region of the petition from Mr. N.M. (# 1376p-5g) to the Ombudsman with request to provide assistance to the children of the applicant's brother who died at the factory, 1.25 mln. soums were transferred to the savings account at Ipoteka bank

Ms. K.A. wrote to the Ombudsman about denial of benefits for the loss of breadwinner in a workplace accident (# 4201d-5g). According to the answer of the prosecutor's office of Tashkent city, these arguments were found to be grounded and the complainant was paid 207,900 soums.

The Ombudsman also reviewed the complaints where the complainants asked for assistance in referring citizens with disabilities to the inpatient social institutions.

For instance, at the request of the Ombudsman, the Ministry of Labor and Welfare of Uzbekistan and a regional representative of the Ombudsman in Tashkent region reviewed and granted the request of Sh.V. (# 4008d-5g) to place her orphan nephew in the orphanage-boarding house under Muruvvat social security network.

According to the response of the Ministry of Labor and Public Welfare of Uzbekistan, the petition of Mr. M.A. (#4269p-5d) to the Ombudsman was reviewed by the special commission and the decision was made to send the stepbrother of the petitioner whose feet and finger bones were amputated to the boarding house for the disabled in Samarkand city.

The review of the complaints to the Ombudsman in the area of social security enables to conclude that the main reasons for violations of individuals' constitutional rights are related to non-compliance with current legislation, underdeveloped of mechanisms for implementation of laws and regulations in this area, and inadequate responsibility of some local officials.

6. Right for Freedom of Movement

All citizens of Uzbekistan have guaranteed constitutional right for unhindered movement in the territory of Uzbekistan, enter and exit the country except for limitations established by legislation.

Individual rights, freedoms, and responsibilities enshrined in the Constitution and national legislation of Uzbekistan are related to citizenship. Being a citizen of Uzbekistan, an individual is entitled to make use of them fully.

The number of complaints related to violations of this right has virtually not subsided in the practice of the Authorized Person for Human Rights. While 168 complaints were received in 2005, and 180 were received in 2006, total number of petitions in the area of civil and administrative law has increased up to 202.

The greatest number of those complaints are related to the refusal of the officials to grant them residence registration, acceptance of documents for granting Uzbek citizenship as well as the length of the procedure and unmotivated cases of returning documents.

Having encountered the pro forma attitude, most often the people turn for help to the Authorized Person for Human Rights.

According to the statistics, the situation of compliance with citizens' rights in issuing identity documents, residence registration, and particularly citizenship is still acute.

Right for Freedom of Movement	2005	2006	2007
Residence permit	75	47	58
Naturalization	71	74	81
Deportation	1	9	5
Obtaining passports and other identification documents	21	50	58
Total	168	180	202

After the reviews and measures taken, 24.2% of total complaints received by the Authorized Person for Human Rights related to offences of civil and administrative rights were granted.

Right for Freedom of Movement	Total complaints 2007	Of which followed-up
Residence permit	58	19
Naturalization	81	11
Deportation	5	1
Obtaining passports and other identification documents	58	18

Total	202	49
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The complaint of Mr. M.A. (#115p-6g) about his disagreement with the actions of the officials in processing his papers to obtain citizenship of Uzbekistan and issuance of the passport was forwarded by the Authorized Person for Human Rights for review to the Ministry of Internal Affairs, and after thorough review of the arguments of complainant were granted.

Mr. S.J. complained about red tape by the Uzbek consular officers in Turkey (#394p-6g) due to whom his daughter, married to a Turkish national, could not renew her passport of an Uzbek citizen. In its response to the inquiry of the Ombudsman, the Ministry of Foreign Affairs of Uzbekistan informed that the Consulate General in Turkey has undertaken some efforts to exchange the passport, and it was indicated that this process requires some time to be resolved, which caused the complaint to the Ombudsman.

A request by Mr. K.G. (# 3350d-6g) to recover the documents of the complainant and his son was reviewed by the Visa and Citizenship Department of Tashkent city at Ombudsman's inquiry. After submission of additional records, the files about the loss of passports and issuance of new ones were opened.

The analysis of complaints illustrates that the problems related to civil rights, which accumulated in the recent years require constant focus, immediate review, and systemic approach to their resolution.

7. Right for Health and Access to Health Services

Basic Law – the Constitution of Uzbekistan guarantees the right of citizens for qualified medical care. According to the Article 40 of the Constitution, the Uzbekistan has been financing public health programs and implementing measures for development of state and private healthcare systems, and the activities to promote public health, physical education and sports, environmental and epidemiological well-being.

In the meantime, there are frequent cases of sub-standard health services, which leads to ineffective treatment or harm inflicted to patients' life and health.

The review of citizens' complaints to the Authorized Person for Human Rights of the Oliy Majlis also points to the existing problems in the public healthcare system.

In the reporting period the Ombudsman received 121 complaints about violations of citizens' healthcare rights including that of disabled persons, 46 of which were followed-up.

Right for health services and disability benefits	121	46
Public healthcare	33	15
Disagreement with actions of health workers	40	14
Disagreement with diagnosis	6	6
Protection of the rights of the disabled	42	11

The analysis of the complaints enable to conclude that there are infringements of individuals' rights to choose a doctor, cases of inferior professional skills of the doctors, and their inability to provide good quality qualified health services.

In the complaint by Mr. B.M. (# 5092d-7b) to the Authorized Person for Human Rights the parents expressed their indignation that the doctors responsible for the death of their daughter were not prosecuted. According to the response by the Prosecutor General's office to the request by the Ombudsman, additional forensic examination was done in the course of investigation, and many unresolved issues emerged as a result, and the case was forwarded for further investigation, which will be under special control of the prosecutor's office.

Mr. U.F. complained to the Ombudsman about his disagreement with the actions of the doctors, which had led to worsening health of her daughter (# 839p-7b). The complaint was forwarded to the Ministry of Health of Uzbekistan. After the review these arguments were found to be grounded and disciplinary actions were taken against the healthcare workers – reprimand and 30% fine were imposed.

8. Family Welfare Rights

Responsibility for children is amongst key factors of woman's status in the society, while family is among major public institutions. UN instruments and international agreements grant women the same rights in the marriage including reproductive rights with regard to the number of children and birth spacing. Women should be entitled to the maternity rights both at the workplace and elsewhere and have the right to own and manage a decent home. Existing agreements call for joint responsibility of women and men for children's upbringing and development. Although the parents bear the main responsibility to maintain adequate living standards of the children, the government should help them in implementing these responsibilities.

Uzbekistan fully support and approves all UN initiatives related to women's empowerment. Empowering women to enjoy all opportunities for development is defined as a government policy in the country. In the reform period women and children are most vulnerable in the socioeconomic sense. Therefore, Uzbekistan was one of the first in the CIS to ratify the UN Convention for Elimination of All Forms of Discrimination against Women and the Convention of Child's Rights. By this step it underscored that it undertakes the commitment to observe all provisions of the Convention.

Development and implementation of practical steps for social and legal support to women, maternal and child health, professional, physical, spiritual and intellectual growth of women and enhancing their sociopolitical activities and active involvement in the public administration is among major areas of national policies.

Along with the constitutional guarantees for protection of individuals' rights regardless of age, gender, ethnic, racial, religious background, Uzbekistan has the extensive regulatory framework focused on securing women's rights and legitimate interests including Civil, Criminal, and Family Codes.

The Authorized Person for Human Rights has identified protection of socially vulnerable groups of population including mothers', children's, and poor people's rights as its priorities.

The Ombudsman received **277** complaints in the reporting period including 161 complaints about violations of women's rights, 15 – offences related to child's rights and 101 related to family and domestic relations. **88** out of all complaints were followed up.

The complaint about improper conduct of the chairman of the Koksoy community of Pastdargom district against Mr. E.P. (#2020d-8a) namely insult against the honor and dignity of the complainant was reviewed by the Ombudsman and forwarded to the Samarkand region prosecutor's office and local authorities. After the review of the complaint, the chairman of mahalla committee was dismissed and prosecuted.

A resident of the Russian Federation, Ms. S.A. (#344p-8a) appealed to the Ombudsman with a request to provide assistance in returning the custody of an underage child, which was forwarded for review to Ombudsman's regional representative in Andijan region. As it was identified, the child is living in normal environment in father's custody, as the mother maintained amoral lifestyle, and the child does not wish to live with his mother.

Ms. Kh.Yu. asked for her children to be placed in a boarding school due to her difficult financial situation (#4037p-8b). At the request of the Ombudsman, the Ministry of Public Education of Uzbekistan took actions for children to be placed in an orphanage # 22.

Ombudsman's intervention enabled to facilitate granting of benefits for 2 foster children and financial assistance to the parents (#71p-8b). Department of Public Education of Tashkent region made comments to the local welfare bodies after the review of this complaint and ordered stricter control to be established over complaints to be addressed in timely manner.

The Ombudsman continues to receive complaints related to domestic affairs and inaction of the respective bodies to address them.

The complaint by Mr. S.A. (#862d-8v) about the issues which arose between two sisters arising from division of property, inaction of civil self-governance institutions to handle complaints was forwarded to the local authorities and police department of Sobir Rakhimov district of Tashkent city. After the review of the complaint, it was decided to follow-up this family and provide assistance to exchange disputed apartment for 2 separate apartments.

Mr. B.V. complained to the Ombudsman about problematic relations with new neighbors who were allegedly claiming her home and threatening her (2598-8v). Department of Mahalla Foundation of Surkhandarya region set up a reconciliation commission for the neighbors at the request of the Ombudsman.

9. Legal Services

According to the Constitution of Uzbekistan and procedural legislation, any stakeholder is entitled to litigate in order to redress his infringed or disputed rights or legitimate interests.

But sometimes individuals do not know how to file a lawsuit, motion or a complaint correctly, which court to go to, which circumstances to be put forward as the grounds for the requirements, what evidence is admissible in court, etc.

Along with development of civil society, the civil and legal relations are concurrently growing both in number and quality regulated by various laws. The procedures to address emerging civil and legal disputes is consequently growing, which requires not only legal knowledge but also availability of qualified staff.

In this regard, there are typical civil complaints that many of them are not able to exercise their right for qualified legal assistance, as they cannot afford to pay for a lawyer. In some cases, the citizens encounter facts when the lawyers are unduly using the procedural rights and responsibilities in accordance with the Law on Bar, raising their legal fees.

The issues of access to qualified legal counseling constitute the reason for increasing number of complaints to the Ombudsman on various legal issues.

In the reporting period the Ombudsman received 343 complaints related to legal assistance, of which 118 were followed up. 320 of them are related to the issues of property and inheritance rights, 9 are related to the disagreement with lawyers' action, 6 are related to the actions of the notaries, 7 are related to compensation for damages, and 1 is related to disagreement with the actions of law enforcement organizations.

10. Entrepreneurs' rights

In the reporting year the Ombudsman continued to receive complaints about infringement of entrepreneurs' and farmers' rights as well as related to loans for business activities.

Entrepreneurs' rights	169	101
Violation of entrepreneurs' rights	52	28
Access to loans	58	24
Violation of farmer's rights	59	49

The main problems that the new class of owners – entrepreneurs are facing is failure to comply with the provisions of the current legislation, illegitimate actions by the government officials, improper use of government property, and infringements of the rights in loan application procedures.

Farmers' discontent is caused by unfair distribution of land plots, abuse of power by the officials imposing the crops to be cultivated, lack of independence in the sales of agricultural output, etc.

11. Home Maintenance and Utilities

Numerous complaints (544) of individuals related to home maintenance and utilities is among major categories.

In their complaints individuals are raising the issues related to home acquisition and mortgages, allotting land plots for home construction as well as home renovation and maintenance.

Despite the rehabilitation and maintenance efforts by the government in the area of state-owned home maintenance and utilities, district heating systems, area development, the number of complaints in this area is not going down.

There are cases of unsatisfactory performance of private homeowner cooperatives, improper use of funds, low quality maintenance works, which leads to more complaints.

Housing and Utilities	544	225
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Home acquisition affairs	216	76
Utilities and Home maintenance	113	66
Activities of Private Homeowner Cooperative	46	28
Land allotment	169	55

In the reporting period the greatest number of group complaints were related to the home maintenance and utilities.

There are concerns that in the course of inquiries into group complaints at the request of the Ombudsman, the acceptance reports of completed works related to the complaints are merely added to the response letters. But after some time, the Ombudsman again receives the complaints about the same problems due to the low quality of maintenance works.

Active implementation of international standards of effective management and ongoing judicial, legal, and administrative reforms enhanced the responsibility of the officials at all levels to respond to Ombudsman's inquiries and signals, which is reflected in the timely and professional resolution of the problems raised by the complainants as well as timely and motivated information related to individuals' complaints provided to the Authorized Person for Human Rights.

At the same time, based on the responses, it should be acknowledged that pro-forma attitudes of certain officials violating the procedures and deadlines for responding to the complaints of Uzbek citizens and foreign nationals, forwarding them to the lower bodies without due grounds and no follow-up for resolution and signing by the deputies and heads of subordinated institutions. This state of affairs indicates the urgent need to enhance requirements and liabilities of the officials for violating the legislation on citizens' complaints and Ombudsman's inquiries, which constitute the binding link between individuals and authorities.

The review of individuals' complaints to the parliamentary Ombudsman illustrates the need to scale up the activities focused on strengthening the effective mechanisms to counter violations of human rights and freedoms including the following:

- *Development and enhancement of parliamentary oversight of legal regulation of law enforcement activities of government officials;*
- *Enhancement of the activities of civil society institutions in terms of public oversight over government institutions including the judiciary and law enforcement bodies;*
- *Further support for coordination of the activities of government bodies and public sector to improve legal awareness of individuals and development of the comprehensive system of legal education of all groups of population.*

III. Activities of Ombudsman's Regional Representatives

The processes of enhancement of reforms and modernization of all aspects of life facilitated to inject new content to the activities of the regional representatives of the Authorized Person of the Oliy Majlis of Uzbekistan for Human Rights, who started to actively utilize the approaches and working methods accumulated in seven years of existence of this institution promoting coordination of the collaboration between local authorities and self-governance bodies, legal awareness of the public, including government officials at different levels, consolidating efforts

with the civil society institutions to implement government policies to promote and safeguard individuals' constitutional rights and freedoms.

Resolution and prevention of the violations of citizens' rights at local level, indicated by their complaints remains to be the priority in the activities of Ombudsman's regional representatives. Systemic review of the reasons and nature of ever-increasing number of complaints to the regional representatives as well as those forwarded from the headquarters indicate that the individuals appeal to the local representatives of the Authorized Person primarily with regard to the issues of compliance with socioeconomic rights.

In 2007 the regional representatives of the parliamentary Ombudsman received **1,244** complaints by the citizens, part of which were addressed, as for the rest advice about the means and methods of safeguarding the rights were provided, while a number of complaints outside her mandate were forwarded to the headquarters for review.

Individual petitions received by Ombudsman's regional representatives

№	Regions	Number
1.	City of Tashkent	249
2.	Andijan region	87
3.	Bukhara region	67
4.	Jizzakh region	45
5.	Kashkadarya region	102
6.	Navoi region	208
7.	Namangan region	20
8.	Samarkand region	174
9.	Syrdarya region	67
10.	Surkhandarya region	65
11.	Tashkent region	47
12.	Ferghana region	31
13.	Khorezm region	60
14.	Republic of Karakalpakstan	22
	Total	1244

Increasing number of individual complaints to Ombudsman's representatives, including those in Andijan, Jizzakh, Kashkadarya, Surkhandarya, and Syrdarya regions illustrate higher legal awareness of the public and their attitudes to the performance of local authorities and self-governance institutions including compliance with the Law on Individual Petitions, emerged situation related to compliance with human rights and interests that regional representatives report to the local councils of people's deputies. Joint activities of Ombudsman's regional representatives with the departments of the Ministry of Justice of Uzbekistan in Kashkadarya and Surkhandarya regions and Tashkent city in awareness-raising efforts about the provisions of regulatory acts related to the complaints bore positive outcomes materialized in the reduced number of ungrounded and repeated complaints to the headquarters.

Nature of civil petitions to the local bodies of the Ombudsman indicate that most complaints were related to upholding socioeconomic rights – 653 (52.5%), right for fair trial - 201 (16.2%), freedom and privacy – 163 (13.1%), and the activities of government and self-governance bodies – 62 (5%).

**Petitions received by Ombudsman's regional representatives
in 2007**

№	Categories of Human Rights	Total petitions
1	Right for life, freedom, privacy, humane treatment, and respect for dignity	163
	Discontent with arrest and detention	19
	Discontent about criminal charges pressed	25
	Regarding transfer of the convicts and detainees to other places of detention	4
	The issues of amnesty and pardon act	13
	Health services for convicts	2
	Illegitimate actions of the staff of the penitentiary services	1
	Disagreement with the actions of the law enforcement bodies	64
	Discontent with the procedures and progress of investigation	28
	Replacement of arrest with other preventive measures	7
	Extradition	-
2	Right for fair trial	201
	Disagreement with criminal court sentence	45
	Disagreement with ruling of civil court	89
	Disagreement with ruling of economic court	9
	Non-enforcement of court order	43
	Red tape in trials	15
3	Right to work	126
	Disagreement with dismissal (downsizing) and transfer to another job	58
	Disagreement with actions of management of an institution, organization, and a company	18
	Wage arrears	27
	Obtaining certificates or other records	12
	Labor migration affairs	1
	Access to jobs	10
4	Right for Education	27
	Disagreement with the actions of the staff or management of educational institutions	12
	Disagreement with test results	14
	Nostrification of diplomas or graduation certificates	1
5	Welfare rights	85
	Complaints about the amount of pension	18
	Pension arrears	3
	Retirement upon attainment of minimum age or by nature of occupation	13
	Access to financial assistance and benefits	37

	Access to benefits	14
6	Right for freedom of movement	46
	Residence permit	18
	Naturalization	8
	Deportation	2
	Obtaining passports and other identification documents	18
7	Right for health services and disability benefits	103
	Public healthcare	51
	Disagreement with actions of health workers	25
	Disagreement with diagnosis	8
	Protection of the rights of the disabled	19
8	Family welfare rights	41
	Violation of women's rights	8
	Violation of child's rights	7
	Family and domestic issues	26
9	Legal services	21
	Disagreement with lawyer's actions	1
	Disagreement with the actions of notary offices	-
	Disagreement with the actions of non-government human rights organizations	-
	Damage compensation	9
	Ownership and inheritance rights	11
10	Entrepreneur's rights	74
	Violation of entrepreneurs' rights	42
	Access to loans	13
	Violation of farmer's rights	19
11	Rights of military servicemen, law enforcement bodies, and courts	16
12	Housing and Utilities	185
	Home acquisition affairs	70
	Utilities and Home maintenance	59
	Activities of Private Homeowner Cooperative	22
	Land allotment	34
13	Issues related to activities of local authorities, collective farms, and civil self-governance bodies:	62
	Disagreement about decisions and actions of local authorities	39
	Disagreement about decisions and actions of collective farm officials	13

	Disagreement about decisions and actions of civil self-governance bodies	10
14	Rights of foreign nationals	4
15	Environmental rights	1
16	Indexation of funds in bank deposits	1
17	Freedom of conscience	0
	Discontent about the activities of religious organizations and actions of the clergy	-
	Discontent about limitations of the freedom of conscience	-
18	Improvement of legislation	3
19	Proposals	1
20	Other matters	84
	TOTAL	1,244

The following examples illustrate the diversity of complaints to the regional representatives of the Ombudsman, which were not resolved by the local officials:

1. Ms. B.K., a resident of the Kamashi district of Kashkadarya region contacted the regional representative to provide financial assistance to get a homestead plot. Latter jointly with the stakeholder institutions reviewed the matter and actively participated in its resolution, and as a result, the complainant was granted a land plot and a cow.
2. Mr. N. Khujakulov, a regional representative in Navoi region received the appeal of a poor resident of region center D.Kh., a single mother, for home. Ombudsman's representative jointly with the Kyzylkumcement OJSC resolved the issue – D.Kh. was granted an apartment in Navoi city.
3. Workers of the 4th mechanized department of Toshqurilishmechanizatsiya contacted Sh. Abdurakhimov, the regional representative in Tashkent city to facilitate collection of wage arrears for 5 months. After official inquiry of the Ombudsman's representative to F.Anarmetov, the manager, all overdue wages were paid.
4. *M.M. , a resident of Khartum village of Andijan district complained to Ms. M. Khujamberdiev, regional representative in Andijan region about irresponsible attitude of health workers. After the review of the complaint, the complainant, her husband and grandson were provided essential medical care, and considering their difficult financial situation, the members of this family are now in a special list.*
5. *Mr. A.F., a resident of Teparsoy mahalla of Yorqurgon village of Uychi district asked Mr. A. Nuritdinov, the representative of the Ombudsman in Namangan region to help find his son Adkham, who had gone to work to Russia. Referring to the interstate agreement to provide mutual legal assistance and treaties between the bodies for internal affairs, the regional representative helped the complainant to find his son.*
6. *Kh. B., a resident of Jobu mahalla of Shirin village of Oltinsay district of Surkhandarya region asked Mr. M. Tilovov, regional representative of the Ombudsman for assistance in installation of gas supply points at his home. Having reviewed the situation, the latter contacted Janubgaz taminot company to address this case. Based on what was identified and considering the financial situation of the complainant, decision was made to install gas supply points at his home.*

7. *Mr. A.T., a resident of Tura village of Saykhunabad district, after numerous requests to various bodies contacted the regional representative to facilitate allotment of land plots to set up a private farm. After the request of R. Turdiev, the regional representative of the Syrdarya region to the khokim of the district, a decision was made to register this farmer, land plot was granted to him and practical assistance was provided to the young farmer.*

8. *Mr. A.V., a war veteran with long work tenure residing at 15 A. Khalilov st, town of Kokand, contacted R. Tojiev, the regional representative of Ferghana region with the request to donate him a wheelchair, as he could no longer walk. Having consulted with the region labor and public welfare department, the regional representative succeeded in providing him this device.*

9. *Mr. E.Kh., a lone retiree, residing at 47 Z. Akkulov st., Nukus, contacted J. Shilmanov, the regional representative in Karakalpakstan, with the request to redress his property rights, provide financial assistance, and permanent care. After thorough review, it was established that the home was not turned over to the organization- - previous care provider, and Korakalpok tolasi LLC was designated as his patron institution, Socioeconomic college in Nukus will be providing daily care, while the social security bodies will be providing foodstuffs and foster care.*

Systematic methodical support, resource and organizational support to the local authorities, opportunities to exchange practical experience with foreign colleagues enable regional representatives of the Ombudsman to enhance their professional skills, effectively handle complaints and activities jointly with the police, prosecutor's office, justice, healthcare authorities, and trade unions; human rights monitoring; meetings and regular statements at educational institutions, holding meetings with the law enforcement officers and the media on miscellaneous aspects of local population's legal awareness.

In addition to involvement in the general activities, the institution of the Authorized Person for Human Rights, regional representatives of the Ombudsman are implementing various activities with due regard for the local specific features, opportunities, and local objective in their areas.

R. Turdiev, the regional representative in the Syrdarya region, in the framework of Ombudsman's monitoring of compliance with farmers' rights nationwide, conducted monitoring by involving a broad group of government bodies and public institutions, whose activities are related to safeguarding the interests of land users and optimization of agricultural sector. A policy brief was thoroughly developed and turned over to the headquarters of the Ombudsman for further summary as well as to the region administration to resolve the identified issues.

Emerging situation of workplace safety in the region pushed Mr. M. Yusupov, regional representative of the Ombudsman in the Khorezm region to conduct monitoring of implementation of the Law on Workplace Safety of Uzbekistan jointly with partner institutions, as a result of which the working environment in many companies and organizations was substantially improved.

With due consideration to the penitentiary institutions in the region, Mr. M. Normurodov, the regional representative of the Ombudsman in Kashkadarya region jointly with the members of working groups for collaboration with the law enforcement bodies implemented ongoing monitoring of compliance with inmates' rights.

Being specialists in different areas and working in miscellaneous areas of governance and public affairs, Ombudsman's regional representatives are introducing new methods in the review and resolution of individual complaints, human rights monitoring and overall activities of Parliamentary Ombudsman. For instance, T. Sayidov, the regional representative in Bukhara region, realizing the importance of Ombudsman's collaboration with the judiciary and being a manager of region branch of the Bar Association of Uzbekistan, noted the need for closer contact with professional organizations of lawyers, which may be implemented based on contractual agreements.

Locally the regional representatives actively collaborated with other civil society institutions. The regional representative in Khorezm region held a workshop on Development of Market Skills in the Rural Areas, Improving Legal Awareness of Entrepreneurs and Farmers and Protection of Their Rights jointly with the region department of Olima association under Women's Committee.

To promote maximum degree of transparency in own activities and widescale promotion of government policies to safeguard citizens' rights and interests, O. Dusmatov, regional representative of the Ombudsman in Jizzakh region held monthly widescale awareness raising activities among civil servants (the staff of educational authorities and law enforcement bodies, health workers) and civil self-governance institutions who are in close contact with various groups.

Considering dense population and demographic situation in the territories as well as implementing the Agreement of the Ombudsman with national partners on region level, M. Khujamberdiev, the regional representative in Andijan region jointly with region department of justice held a practical conference on Child's Rights under the Protection of the Government and Society, where the issues of actual protection of juveniles' rights and law enforcement were described and the problems in this area and their remedies were discussed. Sh. Shoabdurakhimov, the regional representative in Tashkent city actively participated in joint activities with municipal justice authorities, police, prosecutor's office, and local Department for Enforcement of Court Order, National Center for Human Rights of Uzbekistan, self-governance bodies in a number of districts of the capital city for effective implementation of the provisions of the Law on Individual Complaints. Jointly with region justice department and Council of Trade Unions' Federation, oversight bodies, N. Khujakulov, the regional representative in Navoi region held a roundtable on *Requirements for compliance with labor legislation in the making and annulment of labor contracts by employers for the managers of companies and institutions, human resources departments, trade union activists, and representatives of other public organizations.*

Ombudsman's regional representatives are actively collaborating among themselves, going out to their colleagues for practical assistance and monitoring studies.

In the reporting year, the regional representative in Bukhara region went out to Samarkand region for counseling a local representative and attending a trial as an observer. In addition, last November the representatives of Syrdarya, Jizzakh, Bukhara and Kashkadarya regions attended the conference on Fifteenth Anniversary of the Constitution of Uzbekistan held in Samarkand.

As in the previous years, Ombudsman's regional representatives had the opportunity to travel to their colleagues for sharing experience: the one from Bukhara – to Austria, representative from Navoi and Tashkent to Russian and Spain.

Critically assessing the work done, the regional representatives have to mobilize internal resources and untapped opportunities, including:

- Timely and comprehensive implementation of the assignment by the parliamentary Ombudsman;
- Active cooperation with the local councils of people's deputies initiating proposals to hear the reports by the officials and forwarding assignments to the local authorities in order to safeguard citizens' interests;
- Most comprehensive utilization of contacts with the members of the Senate of Oliy Majlis of Uzbekistan for implementation of the oversight functions in law enforcement delegated to the institution of the Authorized Person for Human Rights

IV. Cooperation with State Bodies and Civil Society Institutions

Multifaceted activities of the Authorized Person for Human Rights of Oliy Majlis of Uzbekistan envisages active collaboration with both government bodies and civil society institutions for implementation of their functions to promote and protect various categories of human rights.

In 2007 collaboration with both chambers of Oliy Majlis of Uzbekistan got enriched with new content. For instance, the Authorized Person held a roundtable with involvement of the members of the Senate and deputies of Legislative Chamber of the Parliament to ensure the compliance of national legislation with the Law on the Authorized Person for Human Rights of Uzbekistan attended by foreign experts and foreign counterparts of the Uzbek Ombudsman. Participation of the representatives of Ombudsman's institution in the lawmaking process and analytical activities as well as multidisciplinary meetings of the committees of parliamentary chambers and national partners became a sustainable tradition (Annex 2).

Active collaboration in accordance with the agreements signed with the Constitutional Court, Prosecutor General's office, Ministry of Interior, Justice, and Healthcare of Uzbekistan and Council of Federation of Trade Unions, joint activities for legal awareness raising related to human rights, officials and staff of the government bodies, representatives of non-government non-profit organizations, proposals for development and improvement of legislation and law enforcement, monitoring of compliance with human rights legislation, joint audits of the complaints and petitions of the individuals about violations of their rights and freedoms, publication of materials and literature.

Membership of the Ombudsman in the Interagency Working Group for Review of the Compliance of Law Enforcement Bodies with Human Rights for more comprehensive information for national partners about the activities implemented by the Authorized Person and coordination-adjustments of the actions to promote various categories of human rights in the framework of national action plans to implement convention-related commitments of Uzbekistan and special reports.

Approaching the 15th anniversary of establishment of the University of World Economy and Diplomacy under the Ministry of Foreign Affairs, a ceremony of signing Cooperation Agreement between the Parliamentary Ombudsman and this university was held, which enabled to transform the relations between them into long-term cooperation on contractual basis, preserving the old contacts and positive traditions, where the graduates of this university are enrolled by the Secretariat of the Ombudsman, and annually its students enroll for internships at the office of the Ombudsman, teachers and staff actively participate in the activities of the public Expert council and Ombudsman's activities, while the representatives of the parliamentary Ombudsman conduct

master-classes, lectures, and practical exercises, invite foreign partners of the Ombudsman for lectures for the students and teachers of this university.

Determining its niche in the judicial and legal reforms, the Authorized Person for Human Rights jointly with the national partners and the Supreme Court of Uzbekistan with involvement of foreign colleagues and specialists held a conference titled *Interaction of Ombudsman with Judicial and Executive Bodies: Experience and Challenges*, which consisted of four plenary sessions: *Institution of Ombudsman and Parliament, Executive Branch, Ombudsman's Collaboration with Law Enforcement Bodies and Judiciary, Ombudsman and Civil Society, Ombudsman's Role in the Government Bodies for Protection of Human Rights*, whereas main focus was on implementation of the mechanisms, which had taken effect in Uzbekistan since January 1, 2008, because of new legislative acts related to abolition of death penalty and habeas corpus. This is reaffirmed by the fact that amid implementation of new laws and expansion of the legal dimension to safeguard constitutional rights and freedoms of the citizens, collaboration of the Ombudsman with the courts and executive power and civil society institutions is extremely important.

Jointly with the Constitutional Court of Uzbekistan and region khokimiat, the parliamentary Ombudsman conducted a conference titled *Fifteenth Anniversary of the Constitution of Uzbekistan* with the objective to discuss and develop proposals to improve law enforcement practices to comply with the provisions of the Constitution of Uzbekistan, public awareness raising about the measures undertaken in Uzbekistan to protect and safeguard constitutional human rights and Uzbekistan's collaboration with international organizations.

In the framework of the field workshops held under the aegis of the Ombudsman in the regions of the country, collaboration with the National Center for Human Rights of Uzbekistan, Institute for Civil Society Studies, Mahalla Foundation, Women's Committee, Council of Federation of Trade Unions, Association of Judges and Lawyers of Uzbekistan, etc. has been strengthened. At the same time, the representatives of the Authorized Person for Human Rights actively participated in various activities of these bodies and institutions.

Ombudsman's collaboration with the Ministry of Internal Affairs of Uzbekistan continued and expanded into new dimensions. This involved wide use of a modern instrument of better management – monitoring of compliance with human rights, which is becoming one of the most effective mechanisms in the activities of government and public organizations and the media implemented as the constituent element of overall monitoring system in Uzbekistan. Promoting compliance and protection of the rights of detainees, suspects, and convicts is among the priorities for the Authorized Person for Human Rights among subjects for monitoring human rights.

In the framework of the Cooperation Agreement between the Authorized Person of the Oliy Majlis of Uzbekistan for Human Rights and General Directorate on Execution of Punishments of the Ministry of Internal Affairs with involvement of Doctors' Association of Uzbekistan reviewed the compliance with the rights for healthcare services of both convicts and the staff of the penitentiary institutions in Tashkent city and region. The working group consisting of the representatives of the Authorized Person for Human Rights of the Oliy Majlis, General Directorate on Execution of Punishments of the Ministry of Internal Affairs with involvement of Doctors' Association of Uzbekistan reviewed the current situation of compliance with convicts' rights for medical care namely at the Republican Penitentiary Hospital, female prisons in Tashkent and juvenile correctional facility in Zangiota district of Tashkent region. Meetings were arranged with the management, health workers, and service providers of the aforementioned institutions as well as the convicts.

Review of legal awareness of the health workers at penitentiary institutions is among the objectives of this monitoring.

Healthcare reform underway in the country is also being implemented at the respective penitentiary institutions, as observed by the representatives of the Ombudsman and Doctors' Association in the course of the visit to central hospital and medical units of the prisons, where juveniles and women are kept.

The Ombudsman and representatives of the Doctors' Association of Uzbekistan identified the goal to facilitate the process of improving the skills of health workers of the General Directorate on Execution of Punishments (GUIN) of the Ministry of Internal Affairs of Uzbekistan, and the GUIN officials and the institution of the Authorized Person of the Oliy Majlis for Human Rights by involving various organizations intend to implement a number of measures to facilitate further development and improved quality of health services in the penitentiary system, inter alia, prepare a compilation of the laws of Uzbekistan in the area of health protection to facilitate improvement of legal awareness and culture of the staff of the penitentiary institutions, including health workers and it will be focused on improving the quality of health services provided.

The Authorized Person for Human Rights and her representatives were actively involved in the activities of the Regional Policy Foundation. Working contacts and collaboration with the public organizations such as Farmers' Association of Uzbekistan, Republican Center for Social Adaptation of Children, Sen Yolgiz Emassan Foundation, Ijtimoiy Fikr Polling Center.

The Ombudsman beefed up her collaboration with the National Center of Uzbekistan for Human Rights and the Council of the Federation of Trade Unions of Uzbekistan in the joint publication – a periodical *Democratization and Human Rights* as well as with the journals and newspapers of the parliament, and national partners. In addition to the parliamentary and government publications, independent newspapers (Nezavisimaya gazeta, Uzbekistan Today, UzReport, Press-UzInfo, etc.) and party-affiliated press, which constitute a serious instrument of public opinion and engagement, were actively used in promotion of legal knowledge and activities of the Ombudsman. The staff of miscellaneous media are members of the experts groups under the regional representatives of the Ombudsman, which promotes transparency of their activities.

The conclusions of the review and analytical activities and availability of national partners of the parliamentary Ombudsman facilitated emergence of a new institution of specialized ombudsmen under the Authorized Person of the Oliy Majlis for Human Rights. Currently these legal safeguards have been established under the hub organizations to safeguard the rights and interests of the patients at healthcare institutions, and doctors, students, and faculty of the higher educational institutions, convicts, suspects, and detainees at the penitentiary facilities and remand prisons.

Healthcare reform underway in the country poses new requirements for the quality of public health services and safeguarding their rights as patients according to the Law on Public Health of Uzbekistan. For implementation of the provisions of the Agreement between the Authorized Person for Human Rights of Uzbekistan and the Ministry of Health of Uzbekistan and accumulation of practical experience, ombudsmen for the rights of disabled child patients at the Republican Psychological and Hospital, and acute care patients in Samarkand city and maternity hospital in Andijan were instituted. In the reporting period Ms. I. Savelieva, the Ombudsman for disabled child-patients' rights, reviewed 11 complaints including 4 forwarded from the headquarters. Having medical background, Ombudsmen for Patients' Rights provide substantial

assistance to the administration of the institutions in fostering trust-based “patient-doctor” relations at the hospitals, conduct awareness-raising and educational work not only for legal promotion but also to improve professional knowledge.

These ombudsmen work under the guidance of the parliamentary Ombudsman, and they collaborate with the regional representatives of the Ombudsman of the Oliy Majlis in Tashkent city, Andijan and Samarkand regions.

Also university ombudsmen were instituted under the aegis of the parliamentary Ombudsman. These ombudsmen instituted in four distinguished higher educational institutions – National University, Tashkent Agricultural University, Samarkand State University, and Samarkand Medical Institute by the decisions of the Academic Councils of these institutions. They are actively involved in the educational and awareness-raising activities and cultural life of these academic institutions. Reviewing the complaints and proposals of the students, teachers, and staff of the universities jointly with the rector’s office and public institutions the ombudsmen facilitate establishment of harmonious relations between students and administration acting as initiators of educational and legal activities. The ombudsmen of these educational institutions are actively involved in the review of the petitions from the students and their parents, staff and faculty, providing counseling and explanations. The university ombudsmen attended all activities hosted by the headquarters or regional representatives. According to the opinion of the faculty and students of these higher educational institutions, an Association of the University Ombudsmen similar to those in the Russian Federation, Europe and America, whose responsibilities include organization and holding creative contests, improvement of legal knowledge and professional qualifications, and other activities facilitating optimization of the relations between the administration and students as well as the student environment should be formed in future.

Promoting compliance with convicts’ rights of the is among the priorities of the parliamentary Ombudsman.

Article 4 of the Cooperation Agreement between the Ministry of Internal Affairs and the Authorized Person of the Oliy Majlis of Uzbekistan for Human Rights establishes that the representatives of the Ombudsman may be instituted for oversight of the compliance with the rights of defendants, detainees, and convicts at the penitentiary institutions of the General Directorate on Execution of Punishments.

Three base pilot institutions – Zangiota correctional facility, a women’s colony, remand prison in Bukhara city were designated, and candidates for ombudsmen at these institutions were selected. The Ombudsmen attended the trainings and activities implemented for regional representatives and experts arranged by the Authorized Person for Human Rights in collaboration with domestic and foreign partners. The Ombudsmen of the juvenile prison and detention center participated in ongoing monitoring of the penitentiary institutions by the Authorized Person of the Oliy Majlis. Their internship-based training at the offices of specialized ombudsmen in a number of foreign countries is planned for 2008.

V. Information and Awareness Raising Activities

Improvement of legal awareness remains among priorities implemented via organization and holding workshops and conferences, attendance of information-oriented events of the parliament, partners, publication of materials, and human rights –related literature, and media statements (Annex 3).

Field workshops – conferences namely *Relevant Issues of Ombudsman's Collaboration with Government Bodies and Non-government Organizations In Ensuring Compliance and Protection of Human Rights* and *Improving Penitentiary System in Oversight and Compliance with Convicts' Rights* were continued in 2007 and were complemented by monitoring and meetings with law enforcement officers at penitentiary institutions, interviews with local officials, agricultural workers, students of higher and secondary special educational institutions and representatives of public organizations.

An international conference titled *Interaction of Ombudsman with Judicial and Executive Bodies: Experience and Challenges* hosted by the Parliamentary Ombudsman in collaboration with the national partners and OSCE Project Co-ordinator in Uzbekistan was held at Intercontinental Hotel in Tashkent on September 11-12, 2007.

Since January 1, 2008, new legislative acts related to abolition of death penalty and introduction of habeas corpus have taken effect. Amid implementation of new laws and expansion of the legal dimension for protection of constitutional rights and freedoms of citizens Ombudsman's collaboration with the courts and executive bodies and civil society institutions is becoming relevant.

T. Merzlyakova, the Authorized Person for Human Rights in Sverdlovsk region of the Russian Federation, J. Divincova, the counselor of the Public Defender of the Slovak Republic, T. Frawley, the Ombudsman of the Northern Ireland and a Vice-President of the International Ombudsman Institute made reports about international experience in this area. Deputies and senators of the Uzbek parliament, the Authorized Person for Human Rights, officials of the Ministry of Justice and Internal Affairs, Prosecutor General's office, Supreme Court, National Center for Human Rights, Council of Federation of Trade Unions, Women's Committee and other national partner organizations presented national experience.

The compilation "*Ombudsmen of the World*" prepared by the Authorized Person for Human Rights published in Uzbek with the support of the OSCE Project Co-ordinator was presented at this conference. It incorporates the materials of foreign counterparts, scholars, and practitioners from more than 20 countries in most continents, the Uzbek Ombudsman, reflecting the practices and experience as well as the stages of emergence of the institution of parliamentary Ombudsman, texts of the new Law on the Authorized Person for Human Rights and cooperation agreements made by the Ombudsman with foreign ombudsmen.

A field workshop was held for the members of the Commission for Compliance with the Constitutional Human Rights and Freedoms, experts, working group members for collaboration in the framework of partnership agreement and the staff of the Secretariat by inviting **the specialists of the Representative for Citizens' Rights of Poland** with the support of the OSCE Project Co-ordinator in Uzbekistan. In the course of this workshop, the Polish and international experience of holding human rights monitoring, remediation of complaints, awareness raising activities, and examples of media collaboration were presented.

A two-day overview workshop to provide coverage to the activities of the Authorized Person for Human Rights in the Sverdlovsk region of the Russian Federation was held for regional representatives of the Authorized Person for Human Rights and specialized ombudsmen working under her aegis, in the course of which the participants had the opportunity to compare their experience and practices with the activities of the Russian colleagues.

In the reporting period, the Authorized Person for Human Rights, her staff and foreign partners of the Ombudsman made presentations at the Lawyer Training Center of the Ministry of Justice,

Higher Courses under the Prosecutor General's office, and the staff of the General Directorate on Execution of Punishments of the Ministry of Internal Affairs of Uzbekistan presenting information on the activities of the Ombudsman, parliament's, and other national human rights institutions.

Focusing on improvement of legal knowledge of the youth, the Ombudsman and his staff often lectured the student audiences. In the framework of implementation of Cooperation Agreement between the Authorized Person of Oliy Majlis of Uzbekistan for Human Rights and the University of World Economy and Diplomacy under the Ministry of Foreign Affairs of Uzbekistan, a master-class was held for the students-graduates of this university approaching the 15th anniversary of the Constitution.

It is notable these activities envisage involvement of the Ombudsman herself, the members of the Commission for compliance with constitutional human rights and freedoms, and the staff of the Secretariat of the Authorized Person for Human Rights. This form of communication enables students to get "*first-hand*" information, learn about practical activities of the Authorized Person for Human Rights, new techniques for safeguarding human rights, on other hand, the questions and opinions of the audience focus the attention of the staff of Ombudsman's institution into the search for new forms of activities.

Speaking before the 4th and 5th-year students of the University of World Economy and Diplomacy, Yu. Nishanov, a deputy of the Legislative Chamber of the Oliy Majlis of Uzbekistan and a member of the Commission for Compliance with Constitutional Human Rights and Freedoms spoke about the history of drafting and adoption of the Basic Law of independent Uzbekistan focusing attention on the issues related to implementation of government policies to safeguard citizens' rights and interests, activities of all structural units of Ombudsman's institution. A deputy who in the recent past used to be the regional representative of the Ombudsman in Ferghana region managed to communicate to the youth audience the information about activities of the Authorized Person for Human Rights as a constituent element of civil society, goals and objectives, which must be implemented in the stage of building a law-run government, consolidation of efforts of the official bodies and public sector. This was demonstrated in the questions of the students and faculty that they kept asking not only in the auditorium but also in the lobby.

According to the working plan of the parliamentary Ombudsman for Year 2007, a conference under the title *Fifteenth Anniversary of the Constitution of Uzbekistan* was held in Samarkand on November 27.

The objective of this conference was discussion and development of proposals to improve law enforcement practices for compliance with the provisions of the Constitution of Uzbekistan along with awareness raising about the efforts to safeguard constitutional human rights and cooperation with international organizations.

The presentations by B. Mirbabaev, a deputy chairman of the Constitutional Court, M. Rustambaev, a member of the Senate, Yu. Nishanov, a deputy of the Legislative Chamber, A. Khaitov, S. Rashidova, Parliamentary Ombudsman, and others contained a cross-cutting thesis dedicated to the significance of the national constitution - the Basic Law safeguarding political, civil, and socioeconomic rights, basics of lawmaking process, activities of the all branches of the government, and reforms in all areas of life. In his welcoming remarks, B. Rouault, Acting OSCE Project Co-ordinator in Uzbekistan, noted the international significance of the Basic Law of Uzbekistan, its role in the prospects of further development and cooperation. It is necessary to mention that technical and resource issues of this activity were implemented in

the framework of the OSCE Project on Further support to Capacity Building of the Parliamentary Ombudsman in Uzbekistan.

In addition to the MPs, judges of the Constitutional Court, staff of the ministries, agencies, law enforcement and judicial bodies, local officials, representatives of local non-government non-profit organizations, higher educational institutions, think tanks, and the media of the Samarkand region attended the conference.

Ombudsman's collaboration with the media, which is an important element of a civil society has been further expanded and enhanced. The activities of the Ombudsman received press and electronic media coverage in parliamentary and government publications, journals including "*Democratization and Human Rights*", "*Public Opinion. Human Rights*", "*Lawyer*", "*Bulletin of the Constitutional Court of Uzbekistan*", "*Qalqon*", newspapers such as *Uzbekistan Today*, *Novosti Uzbekistana*, *Ishonch*, regional press, Internet sites of UzA, Jahon Information Agency, Press-UnInfo, Uzreport, and central and local TV and radio channels.

VI. International Cooperation in the sphere of Human Rights

The Authorized Person of the Oliy Majlis of Uzbekistan for Human Rights, in close collaboration with other government bodies, has been consistently working on international arena with the focus on enhancing cooperation with foreign nations and international organizations for facilitation and protection of human rights. Active collaboration of Uzbekistan with international human rights organizations facilitates emergence of the culture based on human rights in our country, development of democratic institutions and strengthening the law-run governance and improve country's international image.

International cooperation in protection and promotion of human rights is regarded as significant in Uzbekistan. World Conference on Human Rights became an important milestone for governments in this area (Vienna 1993), the outcome documents of which contain the thesis that governments bear main responsibility in safeguarding and promoting human rights, while international institutions and mechanisms have the complementary role. Acknowledging that human rights situation in a particular country may be subject of legitimate concern for international community, nevertheless, Uzbekistan believes that the attempts to politicize the subject of human rights and policies of *double standards* are impermissible and advocates universal, impartial, objective, and non-discriminatory approaches with regard to the human rights related issues, and in this regard it supports upcoming reviews of human rights situation in all countries in the framework of the UN Council for Human Rights.

It is notable that Uzbekistan was among the initiators of the Resolution 61/166 on *Promotion of Equal Rights-based and Mutually Respectful Dialogue on Human Rights* on the 61st session of the UN General Assembly, which underscores "*the need to avoid politically motivated and biased resolutions on human rights in some countries, confrontational approaches, using human rights for political agenda*" and proves that "*respect for political, economic, and cultural diversity for all fosters stable and friendly relations among countries and mutually respectful international dialogue on human rights*".

Given progressive development of international human rights law, Uzbekistan has been making a contribution to development of new international standards in this area. In 2007 UN *Convention on the Rights of the Disabled and International Convention for Protection of All Persons from*

Forcible Disappearance were open for signing and ratification, and *Declaration of the Rights of Indigenous People* was adopted.

Being a signatory of six major international human rights instruments, Uzbekistan has maintained systematic cooperation with the treaty bodies (Committee for Human Rights, Committee for Economic, Social, and Cultural Rights, Committee against Torture, Committee for Elimination of All Forms of Discrimination against Women, Committee on Child's Rights), providing periodic reports to the committee on compliance with the commitments on respective agreement. In addition, Uzbekistan recognized the competence of the Committee on Human Rights to receive individual complaints about infringements of rights according to the International Covenant on Civil and Political Rights provided domestic legal safeguards have been exhausted.

In 2007 the activities of the Authorized Person of the Oliy Majlis of Uzbekistan for Human Rights in promotion of international cooperation were focused on raising the awareness of international community about the processes of enhancement of democratic reforms in Uzbekistan, development of bilateral and multilateral ties with the Ombudsmen and overseas human rights institutions (Annex 4).

In the reporting year the following areas were identified as priorities for the activities of the Authorized Person for Human Rights in promoting international cooperation on human rights:

- Enhanced cooperation in the framework of international organizations, international ombudsmen and human rights institutions;
- Expansion and improvement of bilateral contacts with the foreign ombudsmen;
- Monitoring of Uzbekistan's compliance with international commitments on human rights;
- Assistance in promoting the rights and legitimate interests of Uzbek citizens abroad;
- Review requests of foreign ombudsmen and human rights institutions as well as foreign nationals to assist in redressing infringed human rights and freedoms;
- Disseminate information about the activities to safeguard human rights in Uzbekistan among the international community as well as foreign experience on human rights in the country.

Data about visits and meetings with foreign delegation serve as a certain indicator of active international contacts of the Ombudsman. In the last period the Authorized Person for Human Rights held about 30 meetings with official delegations and envoys of foreign governments and international organizations, meetings and talks with the representatives of international non-government and human rights organizations.

This year the Ombudsman held meetings with official delegations of OSCE, the European Parliament, the U.S. State Department, the MFA of Great Britain, French MFA, the Bundestag and the Federal Government of Germany as well as ombudsmen of Spain, Russia, Azerbaijan, Northern Ireland (U.K.), Sverdlovsk region (Russia), ambassadors of Italy, Netherlands, Slovakia, U.S., France, and Japan in Uzbekistan, OSCE Project Co-ordinator in Uzbekistan, and the head of Europa House in Uzbekistan. In order to beef up cooperation with international human rights organizations and foreign non-government organizations, the Ombudsman arranged meetings and talks with the delegations of Human Rights Watch, Konrad Adenauer and Friedrich Ebert Foundations, Jehovah's witnesses, Open Dialogue Project of the East Kentucky University.

The collaborative contacts with international ombudsman institutions both with the International Ombudsmen Institution and European Ombudsmen Institution was continued in 2007. Collaboration with international ombudsman institutions were based on the exchange of

information, materials, literature about the institution of the Ombudsman, participation in election of the management bodies and human rights related activities and ombudsman's activities.

Publication of articles in the IOI and EOI publications is among the examples of successful cooperation of the Authorized Person for Human Rights with international ombudsmen institutions:

- Information about international roundtable held in Tashkent was covered in the September issue of IOI Newsletter, September 2007, Vol.29, №3;
- Information on cooperation agreement between the ombudsmen of Uzbekistan and Spain was contained in IOI Newsletter, December 2007, Vol.29, №4;
- European Ombudsmen Newsletter, Issue №8, April, 2007, contained information on the visit of the delegation of Uzbek Ombudsman to the European Ombudsmen Institution;
- European Ombudsmen Newsletter, Issue №7, April, 2007, contains information about the international conference in Tashkent and attendance of the IOI Vice-President.

In September 2007 T. Frawley, IOI Vice-President and Ombudsman of the Northern Ireland visited Uzbekistan to attend the international conference titled *Interaction of Ombudsman with Judicial and Executive Bodies: Experience and Challenges*, where he made statements on collaboration of the Ombudsman with the Parliament and executive bodies, as well as civil society institutions.

In the reporting period the Authorized Person for Human Rights provided answers to the questionnaire of the European region of the International Ombudsman Institution on IOI reforms.

In order to enhance cooperation with the Asian Ombudsmen, exchange experience, improve awareness about human rights issues in the region, the Authorized Person for Human Rights of the Oliy Majlis applied for membership in the Association of Asian Ombudsmen (AAO). The Association, with the mandate to promote the concept of ombudsman, facilitate its development in Asia, and improve professional skills of the Ombudsmen, unites ombudsman institutions of more than 20 Asian countries. The application of the Uzbek ombudsman will be reviewed in the next meeting of the AAO Board of Directors in Tehran in April 2008.

In the reporting year the Authorized Person for Human Rights of Uzbekistan closely cooperated with the UN Commissioner for Human Rights, special UN procedures and human rights treaty bodies, whose competence includes monitoring of the implementation of government commitments and international standards in this area.

The report of UN Secretary General namely *National Human Rights Promotion Institutions* (A/62/287 on August 21, 2007) presented at the 62nd Session of the General Assembly contains information on the involvement of the Uzbek Ombudsman in providing answers to the questionnaire of the UN High Commissioner for Human Rights about the role of national human rights institutions in prevention of torture. Furthermore, information in response to the UNHCHR questionnaire for national human rights institutions, ombudsmen, and specialized human rights institutions under the title *Human Rights and Transnational Corporations, other Commercial Companies* was provided in 2007.

In its 39th session in November 2007, the Committee against Torture reviewed the periodic report of Uzbekistan on fulfillment of the provisions of the Convention against Torture and other Cruel, Inhumane or Degrading Treatment and Punishment. Information on oversight of compliance with the provisions of this Convention in Uzbekistan was provided at the request of

the Committee against Torture. In its final observations the Committee against Torture recommended to take action to promote independence of the parliamentary Ombudsman in accordance with Paris principles.

The Uzbek delegation including the representatives of the committees of the parliamentary chambers, ministries of justice and internal affairs, Prosecutor General's Office as well as the Authorized Person for Human Rights attended the special programme – presentation of the judicial and legal system and criminal legislation of Germany held in Berlin on January 15-19, 2007. The goal of the visit was introduction to the judicial and legal system of Germany, experience of justice and implementation of criminal legislation, conveying information to the German side about implementation of prioritized areas of the governance reforms underway in Uzbekistan along with the reforms and further liberalization of the judicial and legal system.

According to the programme of the visit, the delegation had meetings at the Bundestag, ministries of foreign affairs, internal affairs, justice, Senate department of justice of Berlin, the president of Konrad Adenauer Foundation, the director of the German bureau of Human Rights Watch, and visited Tegel penitentiary institution. In the course of the meetings, the German side commended the gradual measures undertaken in Uzbekistan to reform the judicial and legal system particularly with regard to the abolition of death penalty and introduction of habeas corpus and implementation of political rights, enhancement of the role of political parties and public organizations.

In the reporting period the Ombudsman attended the sixth meeting of the Parliamentary Cooperation Committee “Uzbekistan – European Union” held on March 19-20, 2007. The agenda of the meeting along with other issues included development of democratic institutions and compliance with human rights that the Ombudsman reported on, which led to broad exchange of opinions.

The Authorized Person for Human Rights attended the fourth meeting of the “Uzbekistan – European Union” subcommittee on justice, internal affairs, human rights, and other accompanying issues was held in Tashkent on May 8-9, 2007. Participants discussed the issues of countering terrorism, drugs trafficking, and organized crime, border management, development of customs and judicial system as well as the current state and prospects of bilateral collaboration in the aforementioned areas at the meeting.

Regular dialogue on human rights between Uzbekistan and EU covering wide range of issues related to democratic development, human rights and freedoms, enhancement of civil society in Uzbekistan and EU member-countries as well as the prospects of collaboration in the area was launched in the framework of the Sub-Committee. The dialogue is based on the principles of equal rights, mutual respect, and non-interference in the internal affairs. In the course of the meeting the participants were provided information about the measures undertaken by the Ombudsman to oversee compliance of government bodies and officials with human rights legislation.

Collaboration with foreign Ombudsmen and human rights institutions was continued in 2007. To date the parliamentary Ombudsman of Uzbekistan has concluded 7 cooperation agreements with the Ombudsmen of Poland, Sweden, Azerbaijan, Latvia, Russia, Slovakia, Spain. Based on these agreements, the bilateral contacts with the Ombudsmen of Russia, Slovakia, Azerbaijan were enhanced and the representatives of the ombudsmen visited Uzbekistan to share experience and attend the international conferences.

For implementation of the Cooperation agreement with the Authorized Person for Human Rights in the Russian Federation, the delegation of the Uzbek Ombudsman visited Russia in October 2007 with the support of OSCE Project Co-ordinator in Uzbekistan. The programme of the visit to Russia included the visit to the Supreme Court and meeting with deputy chairman of the Supreme Court of Russia A. Karpov, visit to the Remand Prison for Foreign Nationals # 1 of Moscow Police Department and sharing experience at the Russian ombudsman. Upon visit to the Remand Prison for Foreign Nationals # 1 of Moscow Police Department, meetings were held with Uzbek nationals who arrived illegally and violated passport regime of the Russian Federation.

The complaints of the nationals of both countries received by the Russian and Uzbek Ombudsmen related to the issues of alimony, pension, disability benefits, and labor migration were discussed in detail at the office of the Russian Ombudsman. The need to enhance awareness raising efforts among the people going to Russia for work or moving to Uzbekistan in the issues of labor, civil, family, and criminal legislation was noted. V.P. Lukin, the Authorized Person for Human Rights in the Russian Federation commended the collaboration with the Uzbek Ombudsman and voiced proposals to enhance contacts.

The 5th International Conference of Ombudsmen under the title *Facilitating Ombudsmen's Activities for Promotion and Protection of Human Rights* dedicated to the fifth anniversary of the institution of Ombudsman in Azerbaijan and ratification of the European Convention for Human Rights by the Republic of Azerbaijan was held on June 18-19, 2007. The Ombudsmen of Austria, Russian Federation, Moldova, Georgia, Ukraine, Kyrgyzstan and Uzbekistan attended the conference. D. Muratova, a staff member of the Secretariat of the Authorized Person of the Oliy Majlis of Uzbekistan for Human Rights informed the conference participants about practical activities for protection of human rights, collaboration with the government bodies and judiciary in the human dimension.

In order to establish long-term and regular contacts, a delegation of the Spanish People's Defender headed by M.L. Cava de Llano, the first deputy Ombudsman visited Uzbekistan in July 2007, held meetings in the Senate of the Oliy Majlis and National Center for Human Rights and attended the international round table to improve Ombudsman-related legislation.

In October 2007 the delegation of the Authorized Person for Human Rights visited Spain at the invitation of the People's Defender and support of the OSCE Project Co-ordinator in Uzbekistan. Within the program of the visit, they held meetings with M. Marin, the chairman of the Congress of Deputies, Kh. Rokho, chairman of the Senate, Prosecutor General's Office, Judicial Council, and visited the Prison # 6 in Madrid.

In the course of the meeting with E. Mugiga, the Spanish People's Defender, a decision was made to strengthen relations and make them permanent by signing a Cooperation Agreement, which envisages exchange of information, materials about the activities related to human rights and freedoms, cooperation for protection of the human rights and freedoms of the nationals of both countries, holding joint studies, conferences, workshops, and consultations related to human rights. Signing of the Agreement between both countries' Ombudsman will contribute to enhancement of collaboration in safeguarding human rights.

The regional representative of the Ombudsman in Bukhara region attended the OSCE Supplementary Human Dimension Meeting on *Promotion and Protection of Human Rights: Responsibilities and Effective Remedies*, which was held in Vienna on July 12-13, 2007. The representatives of national human rights institutions of Austria, Azerbaijan, Georgia, Denmark, Spain, Kazakhstan, Macedonia, Serbia, Ukraine, Uzbekistan, France, Sweden, Estonia attended

the workshop. In the course of sessions, T. Sayidov, the representative of the Ombudsman, reported on the reforms in the judicial and legal sector as well as the activities related to protection of human rights in Uzbekistan.

Ms. D. Muratova, a staff member of the Secretariat of the Ombudsman attended the workshop on implementation of the UN Security Council Resolution # 1325 issued on 31.10.2000 titled “*Women, Peace and Security*” held on national level in Almaty, Kazakhstan, with the goals to strengthen the understanding of the significance of gender perspective for peace and security and determining the means for strengthening women’s role, peace, and security in national scale. Delegations of Kazakhstan, Uzbekistan, officials of the OSCE and international non-government organizations attended the workshop.

In September 2007 Ms. T.G. Merzlyakova, the Authorized Person for Human Rights in Sverdlovsk region (Russia) came to attend the international conference on *Interaction of the Ombudsman with Judicial and Executive Bodies: Experience and Challenges*. Information on the Russian experience of collaboration with government bodies and public institutions in safeguarding human rights were discussed at the conference. A training workshop was held in the framework of the visit for regional representatives of the Ombudsman to improve methods of consideration and investigation of citizens’ complaints.

In the reporting period the cooperation with the OSCE Project Co-ordinator continued in Tashkent. In the framework of the joint Project on *Further Support to Capacity Building of the Ombudsman Institution in Uzbekistan*, international conferences, roundtables, and training workshops were held for regional representatives of the Ombudsman and the members of the expert groups; the book titled *Ombudsmen of the World* was published in Uzbek, and a study tour of the representatives of the Ombudsman to the European countries was arranged. Strengthening the methodological framework of practical activities of Ombudsman’s regional representatives, awareness-raising for the public about the activities of the parliamentary Ombudsman became the outcome of implementation of the OSCE project.

According to the Article 7 of the Law, the Authorized Person participates in preparation of the annual reports of Uzbekistan on implementation of international treaties on human rights and freedoms. In the reporting year the Ombudsman was involved in preparation and review of the draft National Report on implementation of the provision of the UN Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment and preparation of the responses to the questionnaires of treaty committees as well as in preparation and implementation of national action plans to implement the recommendations by UN treaty committees. The representative of the Ombudsman was actively involved in the Interagency Working Group to review the compliance of law enforcement bodies with human rights, which regularly monitored the observation of the provisions of national action plans to fulfill the recommendations of UN Human Rights charter and treaty bodies.

For protection of the rights and legal interests of Uzbek citizens abroad, the Authorized Person actively implemented the cooperation agreements made with foreign colleagues. In 2007 the Uzbek Ombudsman made inquiries to the Authorized Person for Human Rights of the Sverdlovsk region of the Russian Federation, the Authorized Person for Human Rights in Saint-Petersburg of the Russian Federation to facilitate protection of the rights of Uzbek citizens in the Russian Federation.

In the reporting year the Authorized Person for Human Rights received **42** complaints and requests from the overseas colleagues to facilitate remediation of human rights and freedoms including the Authorized Person for Human Rights in the Russian Federation, regional

Ombudsmen for Human Rights in Astrakhan, Kaliningrad, Perm, Sverdlovsk, Smolensk regions, the Authorized Person for Human Rights of Azerbaijan, the Authorized Person for Human Rights of Kazakhstan, Parliamentary advocate of Moldova, Ombudsmen of the Kyrgyz Republic, Russian, Kazakh, and Ukrainian citizens.

Successful cooperation and practical assistance of the Uzbek ombudsman is exemplified in the reports and materials of the foreign ombudsmen, including annual reports, information bulletins of the Ombudsmen of Russia, Spanish People's Defender, the Authorized Person for Human Rights in Sverdlovsk region that contain information on collaboration with the Uzbek parliamentary ombudsman.

In 2007 the regional representatives of the Ombudsman actively participated in the activities for facilitation of international cooperation, and spoke at international conferences, workshops abroad, and held meetings with the representatives of international and foreign organizations visiting provinces. The regional representative of the Ombudsman in Bukhara region attended the human dimension meeting in Vienna, the regional representatives in Navoi region and Tashkent went on study tours to Russia and Spain. Ombudsman's regional representative in Samarkand region attended the meetings with the delegations of the Spanish and Russian Ombudsmen visiting Uzbekistan.

In 2007 the efforts to place information and materials at the websites of information agencies, human rights institutions, newlines of Ombudsman institutions were continued. Inter alia, 14 reports were uploaded to the newline of the Association of the U.S. Ombudsmen to provide timely information to the international community about the activities of the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan; 2 reports were posted on the website of the Forum of National Human Rights Institutions; 7 reports - on the website of the Forum of the Ombudsmen of the countries - members of the European Union, respectively. In the reporting period the publications of the Uzbek parliamentary ombudsman including the Year 2006 Report and the book under the title *Ombudsmen of the World* were sent to the international human rights organizations, ombudsmen, and foreign human rights institutions as well as the diplomatic corps accredited in Uzbekistan.

The exchange of literature, annual reports prepared jointly with the foreign counterparts became a good tradition. In the reporting period the library of the Ombudsman received materials from the International Ombudsman Institution, the Ombudsman of the European Union, the offices of the ombudsmen and human rights institutions of Austria, Azerbaijan, Hungary, Greece, Spain, Kazakhstan, Korea, Kyrgyzstan, Netherlands, Norway, Romania, Slovakia, Finland, and other countries.

In 2007 the Authorized Person maintained systematic international cooperation and facilitated dissemination of objective information about protection of human rights in Uzbekistan and the Ombudsman's efforts along with enhancement of bilateral ties with foreign ombudsmen and contacts with international human rights organizations.

For the purposes of strengthening international contacts of the Ombudsman, the priorities in international cooperation in 2008 are as follows:

- Human rights related activities among the government bodies, civil society institutions, and general public in the framework of the campaign to celebrate 60th anniversary of the Universal Declaration of Human Rights;

- Cooperation with UN institutions in review of the human rights situation in Uzbekistan in the framework of the mechanism of universal periodic review of the UN Human Rights Council;
- Active implementation of the cooperation agreements with the Ombudsmen of Azerbaijan, Spain, Latvia, Russia, Poland, Slovakia, Sweden, and fostering contacts with foreign ombudsmen;
- Strengthen cooperation with International Ombudsmen Institution, European Ombudsmen Institution, and accession to the Association of Asian Ombudsmen;
- Implementation of the institutional development projects jointly with OSCE Project Co-ordinator, UNDP in Uzbekistan, the office of the Konrad Adenauer Foundation;
- Broad cooperation with international non-government and human rights organizations to promote compliance and protection of human rights.

Conclusion

Event-rich public life in the year of 2007 and ongoing administrative, judicial and legal reforms became the significant milestone in the activities of the institution of the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan.

In his address at the joint session of the Oliy Majlis, the Cabinet of Ministers, and President's Office dedicated to the 16th anniversary of the Independence of Uzbekistan, President Islam Karimov noted: *Full-fledged implementation of the principle "For human being and his future" has always been and remains our foremost priority. All of our reforms ... should be ultimately focused on creating decent living standards ... essential opportunities for implementation of one's professional, intellectual, and spiritual potential.*

Based on this priority, the following key dimensions of activities were determined by the parliamentary Ombudsman for further development:

- Facilitate improvement of national legislation for further democratization and liberalization related to safeguarding the rights and legitimate interests of country's citizens;
- Boost and revitalize collaboration with the government bodies and civil society institutions in order to safeguard human rights and interests focusing these activities on the institutions engaging the youth and considering that Year 2008 was announced by the President as the *Year of the Youth*.
- Building up legal status and promoting effective activities of all institutions of the Ombudsman in accordance with the internationally recognized standards including development of integrated database of citizens' complaints;
- Enhancement and expansion of international cooperation jointly with other human rights institutions in light of the world events – 60th anniversary of the Universal Declaration of Human Rights and 200th anniversary of the establishment of the Ombudsman's institution recognized worldwide as an effective instrument to safeguard human rights and freedoms;

Policy support of the President and parliament enabled to focus the activities of the Ombudsman towards further effective cooperation with government bodies, civil society institutions, and the media as well as international organizations and human rights institutions. The activities of the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan (Ombudsman) will be related to the processes of emergence of democratic governance based on rule of law in

Uzbekistan and focused on active promotion of the government policies to promote and safeguard human rights.

The text of the report of the Authorized Person for Human Rights (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan in Year 2007 is available online at the following website: www.ombudsman.gov.uz.

The draft laws improved with the involvement of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)

№	Draft Law	Organizations sending the draft law to the Ombudsman for review	Date
1	On Introduction of Changes and Amendments to the Article 74 of the Law on Joint-stock Companies and Protection of Stakeholders' Rights (first reading)	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	January 2007
2	On Temporary Suspension of the Certain Articles of the Law on Countering Money Laundering and Financing Terrorism (first reading)	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	January 2007
3	On the Guarantees of Child's Rights	Ministry of Public Education of Uzbekistan	January 2007
4	On Introduction of Amendments to some Legislative Acts of Uzbekistan to Enhance Effectiveness of Investigative Activities in the Telecommunications Network in Uzbekistan	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	February 2007
5	On Introduction of Amendments to the Annex #1 of the Resolution # 222-II on transfer of licensed activities (first reading)	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	February 2007
6	On Introduction of Amendments to the Article 4 of the Law on State Due (first reading)	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	February 2007
7	On the Juvenile Justice	National Center for Human Rights	
8	On the Securities Market (first reading)	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	April 2007
9	On Introduction of Changes and Amendments to the Law on Joint-Stock Companies and Protection of Shareholders' Rights (first reading)	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	April 2007
10	On the Report of the Chamber of Accounts of Uzbekistan for 2006	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	April 2007
11	On Introduction of Changes and Amendments to the Tax Code of Uzbekistan and Article 33 of the Law on Customs Tariff	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	June 2007
12	On Introduction of Changes and Amendments to the Tax Code of Uzbekistan and Law on Insurance	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy	June 2007

	Activities	Majlis of Uzbekistan	
13	On Introduction of Changes and Amendments to the Law on Audit	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	June 2007
14	On the Internal Affairs Bodies and On Investigations	Ministry of Internal Affairs of Uzbekistan	June 2007
15	On Introduction of Changes and Amendments to some Laws of Uzbekistan for Improvement of the Procedures for voluntary liquidation and closure of businesses (first reading)	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	June 2007
16	On Introduction of Changes and Amendments to the Law on Budget System and Treasury-based Implementation of the State Budget	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	July 2007
17	On Introduction of Changes and Amendments to the Law on Joint-Stock Companies and Protection of Shareholders' Rights (first reading)	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	September 2007
18	Materials on Implementation of State Budget of Uzbekistan for 9 months of 2007	Committee for Budget and Economic Reforms of the Legislative Chamber of the Oliy Majlis of Uzbekistan	November 2007

Annex 2

Activities attended by the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) in 2007

№	Month	Activity	Hosts
1	January	Conference on <i>Activities of the Justice Bodies in the Years of Independence</i>	Ministry of Justice of Uzbekistan
2	February	Workshop on <i>Strengthening Mahalla's Role in Social Protection of the Population</i>	Committee of the Legislative Chamber of the Oliy Majlis of Uzbekistan for Democratic Institutions, Non-government Organizations and Self-governance Institutions
3	April	Roundtable on <i>Contemporary Experiences in Political Modernization and Ensuring Stability</i>	Regional Politics Center
4	April	Conference on <i>Improvement of Legal Mechanisms for Preserving National Values and Social Security</i>	Academy of the Ministry of Internal Affairs of Uzbekistan

5	April	Conference on <i>Legal Safeguards for Intellectual Property</i>	Committee of the Legislative Chamber of the Oliy Majlis of Uzbekistan for Science, Education, Culture, and Sports
6	May	Roundtable on <i>Main Dimensions of Development of the Bar: Experience and Challenges</i>	Ministry of Justice of Uzbekistan
7	May	Practical conference on <i>Development of Bioethics in Uzbekistan, Legal and Philosophical Aspects</i>	Tashkent State Institute of Law
8	May	Conference on <i>Judicial and Legal Reforms in Uzbekistan: Current State and Prospects</i>	Tashkent State Institute of Law
9	June	Roundtable on Findings of the Monitoring of the Laws on <i>Bar and Guarantees of Lawyers' Activities and Social Protection of Advocates</i>	The Institute for Monitoring of Current Legislation under the President of Uzbekistan
10	June	Conference on <i>Collaboration of the National Center of Uzbekistan for Human Rights in NGOs in the field of Human Rights Protection</i>	National Center of Uzbekistan for Human Rights
11	June	Presentation of the Textbook <i>Protection of the Individuals' Rights at Court on Civil Affairs</i>	University of World Economy and Diplomacy under the Ministry of Foreign Affairs of Uzbekistan
12	June	4 th Congress of the Association of Advocates of Uzbekistan	Association of Advocates of Uzbekistan
13	July	Roundtable on Conceptual Issues of Humanization and Liberalization of Criminal Legislation, Current Status and Prospects of Enhancement of Judicial Reforms underway in Uzbekistan	Institute for Study of Civil Society, The Institute for Monitoring of Current Legislation under the President of Uzbekistan
14	July	Conference on <i>Maternal and Child Health in Sociohygienic and Environmental Dimensions</i>	Ecosan Foundation
15	July	Roundtable on <i>Abolition of Death Penalty and Transferring the Power to Issue Arrest Warrant - an important stage of judicial reform</i>	Tashkent State Institute of Law, National Center of Uzbekistan for Human Rights
16	July	A conference on <i>Contemporary Issues of Legal Safeguards for Women's Engagement in Public Life and Compliance with International Standards</i>	Committee for International Affairs and Interparliamentary Contacts the Legislative Chamber of the Oliy Majlis of Uzbekistan

17	August	Roundtable on <i>Judicial Reform and Public Opinion</i>	Ministry of Justice of Uzbekistan
18	August	Roundtable on the 16 th Anniversary of Independence of Uzbekistan	Ministry of Justice of Uzbekistan
19	August	Roundtable on Monitoring of Implementation of the Law on appeals against actions and decisions violating citizens' rights and freedoms	Ministry of Justice of Uzbekistan
20	September	Conference on <i>Practices and Effectiveness of Reforms focused on Democratization of the Society and Modernization of the Country and the Judiciary</i>	Committee for Legislation, Judicial and Legal Affairs of the Senate of the Oliy Majlis of Uzbekistan
21	September	Roundtable on the <i>Second National Report on Implementation of the Provisions of the Convention on Elimination of All Forms of Discrimination against Women</i>	Women's Committee of Uzbekistan
22	September	Conference on <i>Formation of the Civil Society in Uzbekistan: Current State, Success and Prospects</i>	Tashkent State Institute of Law
23	September	Conference on <i>Emergence of Civil Society in Uzbekistan: Current State, Success and Prospects</i>	Institute for Study of Civil Society with involvement of the number of accredited overseas foundations
24	October	Workshop on Judicial and Legal Reforms in Uzbekistan: Current State and Development Prospects	Tashkent State Institute of Law
25	October	3 rd Congress of the Association of Judges of Uzbekistan	Association of Judges of Uzbekistan
26	October	Conference on <i>Improving Uzbekistan's Collaboration with International Organizations on Human Rights and Freedoms</i>	National Center of Uzbekistan for Human Rights
27	October	Committee Meeting on <i>Implementation of the Convention on Child's Rights by the Ministry of Public Education</i>	Committee for Democratic Institutions, Non-government Organizations and Self-governance Institutions of the Legislative Chamber of the Oliy Majlis of Uzbekistan
28	November	Workshop on <i>Main Objectives in the Social Protection and Promoting Interestsof HumanBeings</i>	Committee for External Policy Affairs of the Senate of the Oliy Majlis of Uzbekistan
29	November	Workshop on <i>Reflecting the Convention on Child's Rights in the Legislation of Uzbekistan</i>	Committee for Democratic Institutions, Non-government Organizations and Self-governance Institutions of the Legislative

			Chamber of the Oliy Majlis of Uzbekistan
30	November	Conference on <i>Significance of Legitimate Order and Foundation of Democratic Society of Advanced Legal Culture</i>	Committee for Legislation, Judicial and Legal Affairs of the Legislative Chamber of the Oliy Majlis of Uzbekistan
31	November	Roundtable on Democratic Progress: Security, Human Rights, and Future Cooperation	Regional Politics Foundation
32	November	Conference “ <i>Constitution – Safeguard of Our Life</i> ”	Ministry of Justice of Uzbekistan
33	November	Conference on Development Prospects of Child Social Protection System in Uzbekistan	Republican Center for Social Adaptation, Ministry of Public Education Of Uzbekistan
34	November	Roundtable “ <i>Constitution of Uzbekistan – foundation of legal reforms</i> ”	Committee for Legislation, Judicial and Legal Affairs of the Senate of the Oliy Majlis of Uzbekistan
35	November	Conference on Success Stories and Challenges in Improving the Activities of Judicial and Law Enforcement Bodies in the period of Independence	Tashkent State Institute of Law
36	November	Conference on <i>10th anniversary of the Civil Code of Uzbekistan: Experience and Prospects</i>	Ministry of Justice of Uzbekistan
37	December	Workshop on Execution of National Action Plans for Implementation of the Recommendations of UN Human Rights Convention Bodies	National Center of Uzbekistan for Human Rights
38	December	Conference on Constitutional Underpinnings of the Interethnic Unity in Uzbekistan	Ministry of Justice of Uzbekistan, Republican International Cultural Center
39	December	Roundtable on Constitutional Safeguards of Human Rights and Freedoms in Uzbekistan	National University of Uzbekistan

**Activities of the Authorized Person of the Oliy Majlis
of the Republic of Uzbekistan for Human Rights (Ombudsman) in 2007**

№	Month	Activity	Co-hosts
1	Throughout the year (odd months)	Workshops on <i>Contemporary Issues of Ombudsman's Collaboration with Government Bodies and Non-government Organizations in Safeguarding Human Rights and Freedoms</i>	Ombudsman, Konrad Adenauer Foundation Representative Office for Central Asia, Kazakhstan and South Caucasus (KAF office)
2	Throughout the year (even months)	Workshops on Improving Penitentiary System in the area of Supervision and Compliance with Convicts' Rights	Ombudsman, KAF office
3	February	Expanded meeting of the Commission for Compliance with Constitutional Human Rights and Freedoms for discussion of the findings of monitoring of women's labor rights in the Ferghana valley	Ombudsman, Council of the Federation of Trade Unions, Women's Committee of Uzbekistan, "O'zbekyengilsanoat" SJSC
4	April	Presentation of the "Ombudsmen of the World" publication at the Tashkent State Institute of Law	Ombudsman, Tashkent State Institute of Law
5	July	Roundtable on Harmonization of the National Legislation with the Law on the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)	Ombudsman, Committees of the Parliament's Chambers, Ministry of Justice of Uzbekistan, OSCE Project Co-ordinator in Uzbekistan
6	August	Training for Ombudsman's Regional Representatives, Experts and Secretariat staff	Ombudsman, OSCE Project Co-ordinator in Uzbekistan
7	September	Conference on <i>Interaction of Ombudsman with Judicial and Executive Bodies: Experience and Challenges</i>	Ombudsman, national partners, OSCE Project Co-ordinator in Uzbekistan
8	September	Presentation of the Uzbek version of the "Ombudsmen of the World" publication	Ombudsman, OSCE Project Co-ordinator in Uzbekistan
9	September	Training for the Ombudsman's Regional Representatives and Specialized Ombudsmen	Ombudsman, OSCE Project Co-ordinator in Uzbekistan
10	October	Signing of the Cooperation Agreement between the Ombudsman and the University of World Economy and Diplomacy under the Ministry of Foreign Affairs of Uzbekistan	Ombudsman, University of World Economy and Diplomacy
11	November	Conference on Fifteenth Anniversary of the Constitution of Uzbekistan	Ombudsman, Constitutional Court of Uzbekistan, OSCE Project Co-ordinator in Uzbekistan

The Chronology of International Cooperation of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) in 2007

№	Date	Activity
1	10 January	Meeting with Mr. B. Lobstein, 2 nd Secretary of U.S. Embassy in Uzbekistan
2	15-19 January	Ombudsman's visit to Germany along with the Uzbek Delegation at the invitation of the German Federal Government
3	26 January	Meeting with the representatives of the Open Dialogue Project of East Kentucky University (U.S.)
4	1 February	Meeting with Mr. S. Smith, the Head of the U.K. Foreign Office Department for Russia, South Caucasus and Central Asia
5	1 February	Meeting with Ambassador M. Jenca, OSCE Project Co-ordinator in Uzbekistan
6	6 February	Meeting with Mr. J. Macisak, Ambassador Extraordinary and Plenipotentiary of the Slovak Republic in Uzbekistan
7	13 February	Meeting with Mr. A. Khelms, the Head of the Department for Asian Countries of the International Cooperation Institute of the Konrad Adenauer Foundation
8	16 February	Meeting with Mr. M. Meyer, Ambassador Extraordinary and Plenipotentiary of the Federal Republic of Germany in Uzbekistan
9	21 February	Meeting with E. Yeggle, Member of the European Parliament
10	1 March	Meeting with U.S. State Department delegation headed by the Deputy Assistant of the Secretary of State for South and Central Asia Mr. E. Faigenbaum
11	13 March	Meeting with Mr. M.T. Ziewersvers, the Head of the Europa House in Uzbekistan
12	28 March	Meeting with Mrs. J. Finley, Ambassador of the United States of America to OSCE
13	15 March	Meeting with Mr. Yu. Kusumoto, Ambassador Extraordinary and Plenipotentiary of Japan in Uzbekistan
14	19-20 March	Ombudsman's participation in the work of the sixth meeting of <i>Uzbekistan – European Union</i> Committee for Parliamentary Cooperation in Tashkent
15	18 April	Meeting with Kl. Van de Zand, the Envoy for Asia and South Eastern Europe, German Federal Ministry of Economic Development and Cooperation
16	4 May	Meeting with the Delegation of Friedrich Ebert Foundation (Germany) headed by Yu. Burkhardt, the member of the board
17	7 May	Meeting with M. Beck, a Bundestag deputy, member of the Committee for Foreign Affairs
18	8-9 May	Ombudsman's participation in the fourth session of the Uzbekistan-European Union SubCommittee for Justice, Internal Affairs, Human Rights and other related issues
19	29 May	Meeting with the delegation of Human Rights Watch headed by

		Ms. H. Cartner, the Executive Director for Europe and Central Asia
20	18-19 June	Participation of Ombudsman's staff at the 5 th International Conference of Ombudsmen under the theme of <i>Empowering Ombudsmen in Promoting and Protecting Human Rights</i> in Baku (Azerbaijan)
21	22 June	Meeting with G. Oldz, the deputy chief legal counselor of Jehovah's witnesses
22	27 June	Meeting with J. Khanford, the Special Envoy of the U.S. Department of State
23	11 July	Visit of the representatives of Ombudsmen of Spain, Azerbaijan, and Russia to Uzbekistan to attend the international roundtable on <i>the Issues on Harmonization of the National Legislation with the Law on the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan</i> in Tashkent
24	12-13 July	Participation of the Ombudsman's Representative in Bukhara region in the OSCE Supplementary Human Dimension Meeting on Protection and Promotion of Human Rights: Responsibilities and Effective Remedies in Vienna (Austria)
25	12 July	Meeting with Mr. Yu. Kusumoto, the Ambassador Extraordinary and Plenipotentiary of Japan to Uzbekistan
26	11-12 September	Visit of the Ombudsmen of the Northern Ireland, Slovakia, Sverdlovsk region (Russia) to attend the international conference on <i>Interaction of the Ombudsman with Judicial and Executive Bodies: Experience and Challenges in Tashkent</i> .
27	12-13 September	Participation of the Ombudsman's representative at the workshop on implementation of the UN Security Council Resolution # 1325 held on national level in Almaty, Kazakhstan under the title <i>Women, Peace, and Security</i>
28	21 September	Meeting with the delegation of the Ambassadors of Belgium, Italy, and Lithuania to OSCE
29	7-13 October	Visit of Ombudsman's delegation to the Offices of the Russian and Spanish Ombudsmen
30	11 October	Cooperation Agreement with the Ombudsman of Spain in Madrid
31	30 October	Meeting with M. Beck, a German Bundestag MP, member of the Foreign Affairs Committee
32	30 October	Meeting with Mr. G. Riicciulli, Ambassador Extraordinary and Plenipotentiary of the Italian Republic in Uzbekistan
33	1 November	Meeting with Mr. R. Norland, Ambassador Extraordinary and Plenipotentiary of the United States in Uzbekistan
34	22 November	Meeting with the delegation of the French MFA headed by J.

		Fore, Director of the Department of Continental Europe
35	27 November	Meeting with R. Fitzmoris, the 3 rd Secretary of the U.S. Embassy in Uzbekistan
36	11 December	Meeting with Mr. Y. P. Dirkse, Ambassador Extraordinary and Plenipotentiary of the Netherlands in Uzbekistan
37	18 December	Meeting with Mr. H. Perne, Ambassador Extraordinary and Plenipotentiary of the French Republic in Uzbekistan