



REPORT
of the Authorized Person of the Oliy Majlis of
the Republic of Uzbekistan for Human Rights
(Ombudsman)
for 2006

Tashkent – 2007

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Introduction

Past Year 2006 was an intensive and event-rich year in the life of our country. Democratic course of development of our nation was reflected in the positive shifts in the judicial and legal reforms, which translated into enhanced role, independence and specialization of the courts, development of civil society spurred by the increasing public and political engagement of citizens, more robust involvement of political parties in nation-building, and advancing multilateral international cooperation featuring active economic contacts and humanitarian relations.

New initiatives by Mr. Islam Karimov, the President of the Republic of Uzbekistan to advance the profile of political parties reflected new facets of the concept of democratization and public renewal, and ultimate objectives of reforming and modernizing the nation in the long-run have reaffirmed Uzbekistan's commitment to the welfare-oriented model of its development. The Uzbek development model demonstrated that pro-welfare orientation of the economy and governance need to be buttressed by effective public oversight and access of a common member of the society to the opportunities to influence decision-making, contributing to the development of prioritized dimensions of development processes.

Presidential decrees on abolition of death penalty and transfer of the power to issue arrest warrants to the courts starting January 1, 2008 became a new forward-looking step towards further liberalization of policies in law enforcement. The changes and amendments made in the national legislation advance the priority of human rights to higher level, which will imminently facilitate harmonization of judicial performance, humanizing the law enforcement practices, enhanced authority of the judiciary among the people, reinforcing the principle of the rule of law and inevitable punishment for offenses, and confidence that presumption of innocence will become the norm for every law enforcement official.

Changes in the Basic Law of the nation following the initiatives of nation's leader will enable to further safeguard basic rights and freedoms stipulated in the Universal Declaration of Human Rights, and facilitate the performance of bodies and institutions designed to promote strict observance of the Constitution of the Republic of Uzbekistan, and implement international commitments in safeguarding human rights.

Growing legal awareness and consciousness of the public thanks to the active reforms in political and economic fronts as well as resurgence in moral and spiritual domains encourage state institutions and public sector to focus their activities on safeguarding basic interests of all segments of the society.

The reporting period became the second year in the functioning of bicameral parliament of the Republic of Uzbekistan and demonstrated that the processes of further democratization in our country have become irreversible despite existing issues in nation-building typical for the countries in transition from totalitarian to democratic governance. Enhanced role and profile of the legislative branch has favorably influenced the increase in effectiveness and quality of lawmaking, and enabled to make one more step towards bringing oversight activities of the parliament while employing most democratic forms of public oversight, hence, expanding involvement of common citizens in public governance, which means active movement towards self-sufficient and self-managed civil society.

It is notable that along with other national democratic institutions, which, throughout the period of their existence managed to become binding links between the government and the people,

parliamentary Ombudswoman has also become a tangible mechanism of democratic influence on the processes of building a fair and law-run government . But its activities in ongoing evolution amid reforms of legislative branch and administrative system in general also need to be streamlined along with clarification of the legal status of all its elements and support in resources. Taking essential regulatory steps will enable to enhance the effectiveness and efficiency of the activities acutely needed according to population surveys and designed to safeguard the rights and legitimate interests of all population groups and authorities.

Delivering an annual report on the state of affairs in upholding and safeguarding human rights to the president, parliament, government, and public is a statutory and honorable responsibility delegated to the Ombudswoman. Early last year according to the Article 7 of the Law on the Authorized Person for Human Rights of the Oliy Majlis of the Republic of Uzbekistan, the first report was submitted to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and delivered to the both chambers of the Parliament according to the due procedure. In light of domestic and international practices, the report was presented to the fractions of political parties in the Legislative Chamber of the parliament, then in the Kengashs of both chambers with subsequent discussion and submission to the plenary meeting of the Legislative Chamber and session of the Senate. It is notable that the report of the parliamentary Ombudsman has been submitted immediately in the full trilingual version with specific facts, which enabled the senators and deputies to obtain full understanding of all activities of the Ombudswoman and subsequently disseminate it domestically and abroad.

This report prepared in accordance to the priorities in the activities of the Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan and eleven-year period of practice and experience, contains the outcomes of the activities of parliamentary Ombudswoman in 2006, its review and summary on most typical issues in upholding human rights in Uzbekistan, findings of monitoring studies on compliance with various categories of human rights, materials on contacts with domestic partners, foreign colleagues and international organizations.

I. Assistance in Improving Human Rights Legislation of the Republic of Uzbekistan and Monitoring of its Enforcement

Parliamentary oversight gains particular significance amid emergence of democratic and law-run governance and building civil society.

Parliamentary oversight has been acknowledged as an inherent element of democracy and ensures transparency and responsibility of the executive power, and it is an instrument to safeguard from abuses and promote human rights. Parliamentary oversight enables not only prevent human rights violations by the officials and government bodies but also enhance the effectiveness of the performance of all branches of the state apparatus.

Oversight function of the parliament follows the legislative branch in its significance and largely it reflects the existing system of checks and balances. Maintaining oversight of the executive power is a function inherent to the parliament, and its implementation depends on specific political system, which, to certain extent, describes development of parliamentary institutions.

The Authorized Person for Human Rights of the Oliy Majlis of Uzbekistan, having the granted powers, has a major role in performing oversight functions to promote observance of human rights legislation by facilitating not only redress of offended rights but also improvement of the legislation of the Republic of Uzbekistan. Meanwhile, the Ombudswoman is delegated the responsibility to promote effective mechanisms of state protection for human rights and freedoms, compliance and respect by government institutions, local self-governance bodies and officials.

Legal essence of any democratic government is shaped by the systemic nature and quality of legislation made, primarily by the safeguards of human rights and freedoms. Based on this principle, the Authorized Person continued her activities to improve human rights legislation and bring it in compliance with international standards. Review of human rights and freedoms situation in the local areas, analysis of individuals' complaints on violations of their rights and lawful interests to the Ombudswoman enabled the Authorized Person to make her proposals on legal screening of the draft laws, making recommendations to improve existing legislation by proposing appropriate changes and amendments, remove the gaps, and propose ratification of international human rights treaties.

In 2006 the Authorized Person has undertaken legal screening of a number of draft laws submitted by the committees of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and Cabinet of Ministers of the Republic of Uzbekistan with the focus on promotion and protection of human rights. The Ombudswoman submitted her proposals on the following draft laws: "On Making Amendments in the Law on Public Employment of the Republic of Uzbekistan"; Tax Code and Housing Code of the Republic of Uzbekistan; "On changes and amendments in the Family Code of the Republic of Uzbekistan"; "Amendments in the Article 71 of the Tax Code of the Republic of Uzbekistan (Article 8); "On Changes and Amendments in the Law on Central Bank of the Republic of Uzbekistan due to adoption of the Law on Microcredit Organizations; "Tax Counseling"; "On Amendments to the Article 9 of the Law on Export Control; on Microfinance; Changes and Amendments in the law on Budgetary System (*Annex 1*).

In undertaking legal screening of draft laws, the Ombudswoman particularly noted the need to ensure compliance of draft laws with the norms of the Constitution of the Republic of Uzbekistan and national human rights legislation as well as the requirements of international human rights law.

In order to facilitation cooperation among large industrial companies and supply of services by home-based work, a relevant Presidential decree was issued on January 5, 2006. This Decree determined that the objective of home-based work development is to foster cooperation among industrial companies and individuals who produce products and services at home based on orders; those home workers with labor contracts with industrial companies belong to the category of employed people, as they are issued labor books and working time is included in the tenure for accrual of pensions and social security benefits. Draft Law on Amendments to the Law on Employment, Tax Code and Housing Code of the Republic of Uzbekistan is designed to bring the Law on Public Employment of the Republic of Uzbekistan in compliance with this Decree by qualifying the persons hired in home labor into the category of the employed persons. In order to enhance the legal underpinning of tax benefits, appropriate amendments were made in the Tax Code of the Republic of Uzbekistan. The guarantees not to require transfer of living premises for home labor to office space is established in the additional provisions of the Housing Code of the Republic of Uzbekistan. This draft law expands the legal framework to promote labor rights of the citizens and has greater significance in protecting their lawful interests.

Currently Uzbekistan is implementing the policy aimed at promotion of gender equality and comprehensive protection of women. Convention on Elimination of All Forms of Discrimination against Women declares that in order to ensure domestic equality of men and women, a number of essential steps should be taken. Specifically, Participating States shall be obliged to ban or take steps towards abolition of polygamy so that women would have the right to choose family status and a husband, and annul forced and second marriages. According to the international standards, minimum marriage age, which has to equal 18 years both for men and women, needs to be enshrined in law and implemented in life.

Given that the provisions of the Article 15 of the Family Code of the Republic of Uzbekistan currently contradicts the norms and principles of international law, the Authorized Person for Human Rights participated in the lawmaking efforts on the draft law “on Changes and Amendments in the Family Code of the Republic of Uzbekistan”, which sets the marriage age at 18 both for men and women. The need to set the marriage age of 18 for women is due to first, attainment of maturity and ability to undertake civil actions and coverage of girls in mandatory secondary special and vocational education. Furthermore, in order to prevent middlemanship in adoptions and protect child’s rights, it is envisioned to introduce new provisions into the Family Code. Novelties proposed in the draft law were fully supported by the Ombudswoman.

Along with activities to improve legislation, the Authorized Person for Human Rights continued to enhance collaboration with the committees of parliament chambers, which was reflected in screenings of legislative acts affecting various categories of human rights, exchange of information based on monitoring of compliance with human rights legislation, arranging an holding joint meetings, workshops, training, roundtables, and participation in human rights related activities. All these enabled to enhance the effectiveness of Ombudsman’s activities in safeguarding human rights.

In 2006 the Authorized Person for Human Rights continued her cooperation with the following parliamentary committees:

- 1) in legal screening of draft laws:
 - Committee on Budget and Economic Reforms (proposals on 9 draft laws made);
 - Committee on Labor and Public Welfare Affairs (proposals on 1 draft law made);
- 2) In oversight activities of the committees:
 - Committee on Labor and Welfare (at the request of the Committee, analytical report on Ombudswoman’s activities related to monitoring of labor and welfare legislation was prepared);
- 3) In awareness – raising efforts:
 - Committee on Democratic Institutions, Non-government Organizations and Civil Self-governance Bodies (a training workshop titled “Parliament and Ombudsman: practices of cooperation with parliament” was held jointly with the Committee with the involvement of the Senate members and deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan).

Meanwhile, it is notable that other committees of the Legislative Chamber did not invite the Authorized Person for Human Rights to screen the following draft laws were developed in the reporting period for compliance with human rights and freedoms according to international law: “Universal Conscription and Military Service”; “On the Media”; “On Municipal Passenger Transportation”; “On Changes and Amendment in some Legislative Acts of the Republic of Uzbekistan due to improved system of legal safeguards and liberalization of financial liabilities of entrepreneurs”; “on Changes and Amendments to the Code of Administrative Liability of the Republic of Uzbekistan”; “Civil Code of the Republic of Uzbekistan ” and Law on Notaries of the Republic of Uzbekistan; “On Changes and Amendments in some Legislative Acts of the Republic of Uzbekistan due to reinforced fight against financial and economic crimes, taxation and legalization of criminal income; changes in the Criminal Code of the Republic of Uzbekistan and Code of Administrative Liability of the Republic of Uzbekistan and other draft laws directly related to certain rights and freedoms.

Notably the collaboration of the Authorized Person for Human Rights with the committees of the Senate of the Oliy Majlis of the Republic of Uzbekistan aimed at improving the oversight of

human rights has been propped up via exchange of information, involvement in human rights monitoring, workshops and conferences.

The cooperation with the committees of the Senate on Foreign Political Affairs, on Legislative and Judicial Affairs has been advanced in the reporting period. The Authorized Person for Human Rights participated at conferences and workshops held by the committees on Foreign Political Affairs, on Legislative and Judicial Affairs. Regional representatives of the Ombudsman participated in the work of the Senate Committee on Foreign Political Affairs in the review of implementation of the Convention on Child's Rights in the Ferghana valley.

The aforementioned activities reaffirm that the conditions in Uzbekistan are ripe to arrange legislative process to facilitate collaboration and cooperation of all its members based on constitutional partnership. The lawmaking process involves the government institutions, designed to draft quality legislation in systemic link with each other. This objective may be achieved by promoting effective collaboration of government and civil society institutions as well as by enhancing the responsibility of lawmakers and other players in lawmaking both for the quality of the laws and their effective implementation.

It is extremely important to ensure law enforcement practices to assess the effectiveness of the laws made. Legislative monitoring should be complemented by an effective oversight of implementation of the laws by the authorities.

Improving the mechanisms of human rights monitoring is a major dimension of Ombudsman's activities in the reporting period.

Findings of the monitoring of compliance with the rights and lawful interests of homeowners in Yakkasaray district of the city of Tashkent held in 2005 and the persistent flow of written and oral complaints of the residents of various areas in the country to the Authorized Person for Human Rights on violations of residence rights of citizens including the utilities services caused the necessity to continue parliamentary oversight of the observance of the rights of homeowners in apartment blocks.

In this regard and according to the approved work plan of the Authorized Person for Human Rights, regional representatives of the Ombudswoman conducted monitoring of the rights and lawful interests of homeowners in the cities and districts of Uzbekistan in Year 2006.

The subject of the inquiry was to identify the reasons for ineffective performance of the associations in conforming to the rights and lawful interests of the residents in apartment blocks; for satisfaction of the homeowners with the performance of private homeowner cooperatives (PHOC) and utility services as well as superior bodies; participation of cooperative members in management and decision making of PHOCs, conditions under which the cooperatives operate, provide services, conduct awareness raising work with homeowners; legal awareness of the homeowners, knowledge of their rights and responsibilities.

The objectives of the monitoring included identification of the flaws hindering creation, development and build-up of new institutions, identification of the issues encountered by PHOCs in the markets of services to manage apartment blocks; identification of the issues in collaborating with regular/emergency maintenance and other companies; facilitate collaboration of the cooperative with local authorities; identify the level of awareness of homeowners in accumulating and spending resources.

Performance of 434 private homeowner cooperatives were reviewed in the course of the monitoring, and more than 25,000 citizens participated in the surveys and interviews.

The representatives of more than a dozen local organizations participated in the monitoring with active support of the local authorities in oblasts and the Republic of Karakalpakstan including:

- Regional representatives of the Authorized Person for Human Rights (Ombudswoman) of the Republic of Uzbekistan;
- Representatives of oblast, rayon, and municipal authorities;
- Oblast trade union associations;
- Oblast justice departments;
- Oblast Mahalla charity foundations;
- Oblast unit of public center for culture and enlightenment;
- Oblast department of interior;
- Oblast prosecutor's office;
- Oblast department of demonopolization and anti-monopoly policies;
- Oblast department of economics;
- Oblast sanitary and epidemiological services;
- Kamolot oblast department.

A large number of community activists and head residents were invited to the review of this issue with assistance of local authorities in the cities and districts. Overall, from 200 to 500 persons were involved in the monitoring. This enabled to cover and objectively assess the state of affairs of the issue in hand.

Particularly notable are the analytical reports of the regional representatives of the Ombudswoman in the city of Tashkent, Tashkent oblast, Syrdarya, Namangan, Andijan oblasts and Karakalpakstan, who have approached the issue actively and with interest, mobilizing the greatest number of homeowners in the survey.

Meanwhile, the information provided by the city and local authorities enables to analyze the state of affairs in the utilities sector, development and build-up of PHOCs, safeguarding the rights and legitimate interests of homeowners – cooperative members in the oblasts and Karakalpakstan.

The monitoring held by the regional representatives of the Authorized Person for Human Rights indicated that the khokimiats (municipality) of oblasts, cities and districts have progressed forward under the guidance of the legal framework and regulations on utilities reforms.

In order to facilitate implementation of the Laws on “Privatization of State Property”, “Protection of Consumer Rights”, “Underpinnings of State Housing Policies”, and “On Homeowner Associations” adopted on April 15, 1999 and other regulations, the inventory of apartment blocks has been drawn up and prioritized objectives for major renovation of the housing built prior to 1991 have been set.

After adoption of the Resolution on “Additional Measures for Improvement of PHOCs’ Performance” on February 10, 2005, the number of cooperatives has grown and awareness raising activities of the oblast and rayon authorities to coordinate PHOCs’ activities have been boosted.

New associations are registered at respective local authorities and issued certificates for using premises and land plots. Meetings of homeowners in apartment blocks have been held in this period in many cities and rayons in order to reorganize and split up large and medium-sized PHOCs given the wishes of the residents themselves or at the proposal of the management of the associations.

Serious flaws persist in this important housing and welfare sector despite consistent policies undertaken by the government in reforming the housing sector and improving legislative framework to promote the rights and lawful interests of homeowners in the urban and rural areas in the oblasts and Karakalpakstan.

The review of the issue has demonstrated that the rights and interests of homeowners in obtaining the services of the cooperatives as well as utility services in majority of PHOCs.

Performance of some cooperatives and companies providing services to the population are not adequately regulated by the legislation. They are primarily guided by the regulatory acts of the ministries and agencies, of which homeowners are not always aware, while managers of some PHOCs do not introduce these documents to the association members, which do not let them to act in the interests of the citizens.

The findings of the monitoring indicated the need to further improve the legislation relevant to the utilities sector; develop effective mechanisms for implementation of the regulations aimed at enhancing the effectiveness of the performance of private homeowner cooperatives; ensure observance of contractual relations between homeowners in apartment blocks and utility providers and contractors for maintenance of infrastructure in the respective area, enhance the responsibility of the officials in promoting the rights and legitimate interests of private homeowners.

The review of the findings of the monitoring enabled the Authorized Person for Human Rights to propose the following recommendations:

a) Measures to improve the performance of PHOCs and management technologies designed to improve their effectiveness, efficiency, flexibility, etc.:

- develop the system to supply housing –related legislative acts to the cooperatives (local authorities, UzKommunXizmat Agency, UzKommunQuvTashkilotchi);
- take measures to build-up professionalism and management standards and housing maintenance at PHOCs (local authorities, UzKommunXizmat Agency, UzKommunQuvTashkilotchi);

c) awareness-raising activities aimed at enhancing citizens' trust in PHOCs, disseminate information on the rights, responsibilities of PHOCs and its members, and promote best experience gained in this area:

- establish a network of counseling offices and training centers for homeowners and PHOCs;
- conduct workshops and lectures for cooperative members at the local authorities, mahallas (community councils), UzKommunQuvTashkilotchi;
- conduct awareness-raising media campaign on the radio and television on cooperatives' activities, pending issues and their resolution.

d) Recommendations for establishment of the monitoring system and external oversight of PHOCs' activities by the following parties:

The members of private homeowner cooperatives:

- introduce the practice of systematic (once in six months) hearing of the reports by the chairman of the board, executive director, and audit commission (auditor) on fulfillment of their responsibilities, and the current state of financial performance of the cooperative at the general meetings of every apartment block (several blocks);

Prosecutor's office:

- enhance prosecutorial oversight of implementation of the housing legislation;

- take prosecutorial action against offenders of PHOC legislation.

Local authorities:

- conduct evaluation of the chairmen of the cooperative boards at district PHOC associations;
- ensure quarterly hearings of the reports by the chairmen and executive directors of the boards on activities of the associations at the sessions of district, city and oblast councils of deputies;
- arrange ongoing system of training the chairmen and members of association boards.

Self-governance bodies of citizens:

- Introduce the practice of inclusion of the PHOC chairman and two board members in the council of the mahalla committee;
- Arrange periodic hearing of the reports by chairmen of the boards and executive directors on performance of the cooperatives at mahalla meetings.

The issues that citizens encounter in implementation of their constitutional right for work are related to the issues of making labor contracts, disagreement about dismissals, overdue payment of wages and other issues of remuneration, and various types of violations of labor rights.

As the review indicates, despite serious measures undertaken to uphold labor rights of the citizens, individuals' petitions to the Authorized Person for Human Rights about violations of labor legislation are still among most frequent complaints.

Therefore, the Authorized Person for Human Rights of Oliy Majlis jointly with Women's Committee of Uzbekistan, Council of the Federation of Trade Unions and the officials of the Ministry of Justice, Ministry of Labor and Public Welfare of Uzbekistan conducted monitoring of compliance with women's labor rights at textile companies in the Ferghana valley in September 2006.

The objective of the monitoring was to review implementation of the Labor Code of Uzbekistan in order to safeguard the rights and lawful interests of women working at private and public textile companies in Andijan, Namangan and Ferghana oblasts.

Major objectives of the monitoring mission were to review the state of affairs in protection and labor conditions of female textile workers, the course of protective actions envisaged in labor legislation including additional guarantees and benefits.

The working groups including regional representatives of Ombudswoman in Andijan, Namangan and Ferghana oblasts, representatives of oblast departments of the Council of the Federation of Trade Unions, Women's Committee of Uzbekistan, ministry of Justice, Labor and Public Welfare, and Ministry of Health were set up to conduct the monitoring.

The survey covered 18 textile companies of various ownership types in Andijan, Namangan and Ferghana oblasts.

In the course of the monitoring the working groups met with the workers and interviewed women right at their workplaces. 467 company workers participated in the survey.

The analytical report presented based on the findings of the monitoring contains review of the information on implementation of the current labor legislation collected in the areas and

submitted by the respective institutions as well as summary of the compliance with labor rights of women; employment in the conditions meeting safety and hygiene requirements; labor safety; remuneration without any form of discrimination; leaves and leisure including reasonable limitations of working day; additional benefits and compensation for female workers with family responsibilities; paid periodic leave; safeguarding labor rights.

The monitoring held in the Ferghana valley on review of the current state of protection and compliance with labor conditions, implementation of safety precautions stipulated by labor laws, review of regulations and internal company records, summing up the findings of worker surveys, observation and interviews with textile company managers helped to identify a number of flaws and cases of incompliance including major offences of the provisions of current legislation to promote women's rights; failure to comply with legislation granting addition benefits to women and persons with family responsibilities; delays in payment of wages; violations of worker health and safety regulations, above-the-limit concentration of pollutants, opacity, humidity, lack of ventilation, poor lighting, untimely cleaning of workshops and facilities, inadequate financing for worker safety; overdue audit of workplaces; failure to meet the requirements to issue special protective clothing, shoes, and other personal protective gear; bleach and disinfectants; milk or equivalent foodstuff; preventive nutrition; violation of the regulations granting working breaks and lack of due conditions for work; violation of hygiene norms in living premises, cafeteria, inadequate range and quality of the food served; inadequate legal awareness of women in labor legislation; inadequate awareness-raising efforts of trade unions and women's councils for explanation of the provisions of labor legislation among women.

In order to address the flaws identified in the course of monitoring and improve the state of compliance with women's labor rights at textile companies in the Ferghana valley, the Authorized Person for Human Rights developed the following recommendations to the:

Uzbekengilsanoat SJSC:

- ensure rigorous compliance with the Law on Protection of Labor of the Republic of Uzbekistan, regulations on safety, maintaining the health and working ability in the working process of textile company employees and take effective actions to remove labor law violations identified in the monitoring;

- Beef up the accountability of company managers for compliance with labor standards, norms, and regulations, implementation of modern means of labor protection and promotion of adequate hygienic conditions; take action to finance labor protection and appropriate spending of funds earmarked for labor protection;

- Conduct systematic oversight and review of labor protection, compliance with the requirements of labor safety and hygiene requirements;

- Enhance oversight of timely assessment of labor conditions and workplace audit for compliance with labor conditions;

- Ensure holding of pre-service and periodic medical check-ups.

To the Ministry of Labor and Public Welfare of the Republic of Uzbekistan:

- Beef up agency control over compliance with labor legislation to advance women's rights and interests at both in public and privately owned textile companies.

- Scale up the activities of labor inspections to supervise labor protection.

Central Council of the Federation of Trade Unions of Uzbekistan:

- Maintain oversight of compliance with labor legislation, create adequate sanitary and hygienic conditions at textile companies;

- Identify offences and take effective actions for protection and redress of women's labor rights;
- Undertake systematic awareness raising efforts to convey the provisions of women's labor rights.

To the Women's Committee of Uzbekistan:

- Enhance awareness raising efforts among women to advance their rights and interests in labor relations, comply with the norms, rules, and conditions of labor protection;
- Arrange workshops and trainings for textile industry workers in labor rights, additional guarantees, benefits, and mechanisms of protection.

To the Prosecutor General's Office:

- Strengthen supervision of the rigorous compliance with the Labor Code and Law on Protection of Labor of the Republic of Uzbekistan at the textile companies and beef up agency regulations;
- Take effective actions against textile industry managers – offenders of women's labor rights, labor legislation, and appropriate spending of funds earmarked for protection of labor.

II. Review of Individual Complaints and Redress of Violated Rights and Liberties

Scrutiny of individual petitions and facilitating the redress of their offended rights and freedoms is among Ombudsman's prioritized objectives in his activities geared to further advancement of the Authorized Person for Human Rights' collaboration with government institutions, law enforcement bodies, and the judiciary for more effective implementation and protection of human rights and freedoms.

According to the requirements set forth in the Laws on the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) and Law on Individual Petitions, receipt and review of individual petitions by the Secretariat and regional representatives of the Authorized Person for Human Rights were supervised personally by the Authorized Person for Human Rights.

In 2006 the Authorized Person for Human Rights received **7,655 petitions** including 4,753 at the central office; **1,377** were received by regional representatives; **878** – received repeatedly; **647** – through a hotline, and legal counseling and explanations were offered as per requests.

Of the petitions received at the central office, **469** petitioners were explained the means to uphold their rights, freedoms, and lawful interests; answers with the grounds for refusal were sent to **286**; 85 petitions were left without review due to the lack of new arguments; 79 complaints were filed to the previously received complaints.

The Ombudswoman received **3,444** complaints through mail and **1,309** complaints were handed in the meetings.

	Regions	Total	Handed	Mailed
1	City of Tashkent	1163	661	502
2	Surkhandarya oblast	606	59	547
3	Tashkent oblast	414	167	247

4	Kashkadarya oblast	533	52	481
5	Samarkand oblast	415	72	343
6	Ferghana oblast	230	34	196
7	Andijan oblast	220	46	174
8	Jizzakh oblast	221	43	178
9	Navoi oblast	168	31	137
10	Namangan oblast	155	30	125
11	Khorezm oblast	138	21	117
12	Bukhara oblast	137	25	112
13	Syrdarya oblast	126	45	81
14	Republic of Karakalpakstan	116	19	97
15	Penitentiary institutions	66	1	65
16	Russia	27	2	25
17	Kyrgyzstan	8	-	8
18	Kazakhstan	2	-	2
18	Ukraine	3	-	3
19	Tajikistan	1	-	1
20	Moldova	1	-	1
21	U.S.A.	1	1	-
22	Korea	1	-	1
23	Iran	1	-	1
	TOTAL	4753	1309	3444

As the analysis shows, the citizens from the city of Tashkent, Samarkand and Tashkent oblasts most frequently practiced their right of personal petitioning.

Meetings with individuals at Ombudsman's Secretariat were held by the Authorized Person, members of the Commission to uphold constitutional human rights and freedoms, staff of the Secretariat and experts of the Ombudsman according to the approved schedule.

Ombudsman has held **14** personal meetings, when **118** individual petitions were received, of which **72** were taken under control, and in 46 cases counseling was provided.

The Authorized Person also held field meetings with individuals in the provinces, including Samarkand, Khorezm, Bukhara, Navoi oblasts and Karakalpakstan. In the monitoring of women's labor rights Ombudsman met with the female workers of textile companies in Andijan, Namangan, and Ferghana oblasts.

It is notable that there were **456** collective petitions among total number of petitions including **2,439** from women and **1,858** from men.

	Regions	Total	From women	From men	Groups
1	City of Tashkent	1163	715	333	115
2	Surkhandarya oblast	606	283	241	82
3	Tashkent oblast	414	229	165	20
4	Kashkadarya oblast	533	237	231	65
5	Samarkand oblast	415	218	144	53
6	Ferghana oblast	230	137	81	12
7	Andijan oblast	220	99	97	24
8	Jizzakh oblast	221	121	82	18
9	Navoi oblast	168	70	77	21
10	Namangan oblast	155	67	76	12

11	Khorezm oblast	138	65	65	8
12	Bukhara oblast	137	56	74	7
13	Syrdarya oblast	126	63	55	8
14	Republic of Karakalpakstan	116	41	65	10
15	Penitentiary institutions	66	11	55	-
16	Russia	27	17	10	-
17	Kyrgyzstan	8	5	3	-
18	Kazakhstan	2	-	2	-
18	Ukraine	3	2	-	1
19	Tajikistan	1	1	-	-
20	Moldova	1	1	-	-
21	U.S.A.	1	-	1	-
22	Republic of Korea	1	1	-	-
23	Iran	1	-	1	-
	TOTAL	4753	2439	1858	456

Notably some individuals refer directly to the Ombudsman without having used all statutory means for safeguarding their rights and liberties. Therefore, the Authorized Person for Human Rights forwarded **2,871** petitions to the respective bodies, ministries and agencies authorized to address the issues raised in 2006.

The number of repeated petitions slightly went down in the reporting period against the last year (1,004 in 2005 and 878 in 2006). This means increased effectiveness in redressing complaints sent by the Ombudsman to the government institution, courts and law enforcement bodies and more active involvement of the officials in resolving the issues raised in the individual petitions and redressing their violated rights.

For thorough review of the arguments on violations of rights and freedoms laid out in the individual petitions, Ombudsman has taken **1,434** petitions under control, of which **351** were addressed positively, while the rest are in the stage of resolution.

Summary of the petitions received by the Ombudsman indicates that the subjects of the complaints have not actually changed in comparison with the previous year.

The issues related to socioeconomic rights – **1,563 (33%)**, observance of the right for life, freedom and personal security, humane treatment and dignity – **1,104 (23%)**, and fair trial – **1,009 (21%)** remain the most frequently contended matters.

№	Category of human rights	Number of received complaints	Complaints taken under control
	Right for life, freedom and personal security, humane treatment and respect for dignity	1104	363
	Discontent with arrest and detention	45	16
	Disagreement with criminal charges pressed	234	76
	Issues related to the transfer of convicts to another correctional facility	22	7

	Issues of amnesty and pardon	155	28
	Providing medical aid to the convicts	6	4
	Illegitimate actions by penitentiary service staff	13	8
	Discontent with the actions of law enforcement bodies	314	112
	Discontent with the investigation process	307	109
	Replacing detention for home arrest and other preventive measures	8	3
2	Right for fair trial:	1009	359
	Discontent with the sentence issued by a criminal court	309	104
	Discontent with the award of a civil court	486	181
	Discontent with the ruling of an economic court	18	5
	Non-enforcement of court rulings	143	56
	Red tape in trials	53	13
3	Right for work:	295	117
	Discontent with dismissal (downsizing) and transfer to another position	159	62
	Discontent with court ruling on the matter	6	5
	Discontent with the actions of the administration of an institution, organization, and company	91	33
	Untimely payment of wages	39	17
4	Right for education	57	22
5	Right for social security:	199	54
	Issues related to accrual of pension	63	23
	About overdue payment of pension	14	5
	Related to benefits	13	6
	Material assistance and benefits	109	20
6	Right for freedom of movement:	180	38
	On the issues of residence registration	47	9
	Issues of naturalization	74	8
	Issues of deportation	9	5

	Issues of obtaining a passport and other identification forms	50	16
7	Health-related rights of citizens and the disabled	101	47
	Issues of public health services	19	7
	disagreement with actions of medical staff	21	10
	disagreement with the diagnosis set	7	1
	Issues related to the rights of the disabled	54	29
	Family protection rights:	133	36
	Violation of women's rights	29	8
	Violation of child's rights	16	11
	Family and domestic issues	88	17
	Rights of the military servicemen, law enforcement and judicial staff	27	6
0	Rights of entrepreneurs:	60	20
	Violations of entrepreneurs' rights	45	15
	Issues related to loans	15	5
1	Housing and utility issues:	479	171
	Issues of home purchase	114	42
	Issues of utility services and home maintenance	98	32
	Issues related to PHOC	107	68
	Issues of land allotment	160	29
2	Issues related to actions of local authorities, collective farm managers, and civil self-governance institutions:	207	82
	disagreement with decisions and actions of khokimiats	122	53
	disagreement with decisions and actions of agricultural cooperative management	41	16
	disagreement with decisions and actions of civil self-governance bodies	44	13
3	Issues related to indexation of funds	7	1
4	Issues related to improvement of legislation	4	1
5	Other issues	891	117
	TOTAL	4753	1434

In the reporting period the Ombudsman has forwarded **3,634** petitions to various organizations, inter alia, for more comprehensive review and objective resolutions of arguments put forward in individual complaints, the Authorized Person has made **1,632** requests and **2,481** complaints were forwarded to the organizations and officials competent to address petitions.

№	Organizations	Number
1.	Oblast prosecutor's office	1,072
2.	Khokimiats	622
3.	Supreme Court of the Republic of Uzbekistan	317
4.	Prosecutor General of the Republic of Uzbekistan	308

5.	Oblast civil courts	173
6.	Oblast departments of interior	158
7.	Ministry of Internal Affairs of the Republic of Uzbekistan	158
8.	Oblast criminal courts	117
9.	Oblast women's committees	101
10.	Oblast departments for execution of court rulings	99
11.	Other institutions	80
12.	Ministry of Labor and Public Welfare of the Republic of Uzbekistan	60
13.	Oblast labor departments	46
14.	Pardons commission under the President of the Republic of Uzbekistan	31
15.	Department for Execution of Court Rulings under the Ministry of Justice of the Republic of Uzbekistan	27
16.	Oblast health departments	24
17.	Oblast offices of Mahalla Foundation	21
18.	Ministry of Health of the Republic of Uzbekistan	20
19.	Ministry of Defense of the Republic of Uzbekistan	19
20.	Oblast justice departments	18
21.	Ministry of Public Education of the Republic of Uzbekistan	18
22.	Higher Economic Court of the Republic of Uzbekistan	17
23.	Oblast public education departments	17
24.	Oblast departments of entry, exit, and citizenship	11
25.	Military Prosecutor's Office of the Republic of Uzbekistan	13
26.	Ministry of Justice of the Republic of Uzbekistan	12
27.	Naturalization Commission under the President of the Republic of Uzbekistan	11
28.	Customs Committee of the Republic of Uzbekistan	10
29.	Women's Committee of Uzbekistan	10
30.	Oblast tax departments	9
31.	Ministry of Higher and Secondary Special Educations of the Republic of Uzbekistan	9
32.	Mahalla Foundation	6
33.	Ministry of Foreign Affairs of the Republic of Uzbekistan	6
34.	Tax Committee of the Republic of Uzbekistan	5
35.	Council of Ministers of Karakalpakstan	3
36.	Cabinet of Ministers of the Republic of Uzbekistan	3
37.	President's Office of the Republic of Uzbekistan	1
38.	Ministry of Finance of the Republic of Uzbekistan	1
39.	Central Bank of the Republic of Uzbekistan	1
	Total	3,634

It is particularly notable that responsibility of the officials in handling Ombudsman's requests has gone up, and they started addressing the issues raised by petitioners in more thorough and timely manner and inform the Authorized Person of the outcomes of redressing individual complaints.

However, there are cases when some officials violate the deadlines to provide answers to Ombudsman's request, send them to lower bodies for settlement, and do not follow up their resolution or they send back information irrelevant to the essence, while sometimes they send formal replies without checking the arguments of the complainant.

35 requests were sent in the first half of 2006 due to untimely answers to 120 requests of the Ombudsman including 2 to the Ministry of Public Education, 2 for Ministry of Higher and Secondary Special and Vocational Education, 22 to khokimiats, 26 to the judiciary, and 53 to the prosecutor's office.

For instance, no answer has been received since 20.07.2006 from Samarkand oblast prosecutor's office as per case # 2790p-26, and as per case # 2873d-11a – from the khokimiat of Khorezm oblast since 26.07.2006, and since 23.08.2006, as per the case №3274ð-11e from Tashkent City Association of PHOCs.

Expert Council under the Ombudsman continued its activities in 2006, while its members handled **157** citizens' complaints. Complaints about court rulings, discontent with actions (inaction) of law enforcement officials as well as labor violations constituted the bulk of complaints scrutinized by qualified specialists and lawyers.

Based on expert examinations, the Authorized Person for Human Rights has issued **17** opinions, of which 10 were sent to the Supreme Court of the Republic of Uzbekistan, 4 to the Prosecutor General's Office, 1 to Samarkand oblast prosecutor's office and Samarkand oblast khokimiat (governor's office), 1 to the Jizzakh oblast criminal court, and 1 to Jizzakh oblast prosecutor's office.

II.1. Right for Life, Freedom, Personal Security, Humane Treatment and Respect for Dignity

Implementation of the right for life, freedom, and personal security, its protection and legal guarantees are important indicators of the degree of democratization in the society and essential prerequisites in emergence and evolution of legitimate governance.

The right of every human being for life, freedom, and personal security are declared both by international human rights standards and the Constitution of the Republic of Uzbekistan. Personal security is set as a principle of criminal law enforcement.

Unfortunately, this right is not always upheld as indicated by citizens' complaints to the the Authorized Person for Human Rights. **1,104** citizens' complaints related to their rights of freedom and personal security, observance and protection of convicts' rights were received in 2006. Of them, **363 complaints were taken under control and 38 have been settled positively.**

Categories of citizens' complaints	Total received	Of which taken under control
<i>Discontent with arrest and detention</i>	45	16
<i>Discontent about criminal charges pressed</i>	234	76
<i>Regarding transfer of the convicts and detainees to other places of detention</i>	22	7
<i>On the issues of amnesty and pardon act</i>	155	28
<i>About provision of medical assistance to the convicts</i>	6	4
<i>On illegitimate actions of the staff of the penitentiary services</i>	13	8
<i>Disagreement with the actions of the law enforcement</i>	314	112

bodies

<i>Discontent with the procedures and progress of investigation</i>	307	109
<i>Replacement of arrest with other measures of prosecution</i>	8	3
TOTAL	1,104	363

In their complaints the citizens expressed discontent about arrest and detention, criminal charges pressed, actions of some law enforcement bodies, and their inaction on citizens' complaint on any particular issues, procedure and progress in investigation, and assistance in changing arrest into other forms of detention.

The greatest number of complaints was received from the city of Tashkent, Surkhandarya, Kashkadarya, and Tashkent oblasts.

	Regions	Complaints received	Taken under control
1	Andijan oblast	50	19
2	Bukhara oblast	29	5
3	Jizzakh oblast	47	12
4	Kashkadarya oblast	147	41
5	Navoi oblast	40	13
6	Namangan oblast	38	14
7	Samarkand oblast	89	26
8	Surkhandarya oblast	149	44
9	Syrdarya oblast	23	5
10	Tashkent oblast	102	38
11	Ferghana oblast	60	15
12	Khorezm oblast	38	8
13	City of Tashkent	208	87
14	Republic of Karakalpakstan	30	10
	Complaints received from the convicts	47	20
	Foreign citizens	7	6
	TOTAL	1,104	363

Breakdown of the complaints received from country's oblasts by the categories:

		Discontent with arrest and detention	Discontent with criminal charges pressed	Issues of transferring the convicted and detainees to other penitentiary institutions	Application of the amnesty and pardon act	Providing health services	Illegal actions of penitentiary service staff	Disagreement with the actions of law enforcement bodies	Discontent with the procedure and investigation	Substituting arrest with other forms of detention
1	Andijan oblast	2	6	2	8	-	-	19	13	

2	Bukhara oblast	1	9	-	3	1	-	6	9	
3	Jizzakh oblast	4	11	-	3	-	-	12	17	
4	Kashkadarya oblast	6	28	2	15		2	41	53	
5	Navoi oblast	-	6	-	4	1	-	11	18	
6	Namangan oblast	2	9	-	8	-	-	8	11	
7	Samarkand oblast	5	11	3	12	-	-	24	34	
8	Surkhandarya oblast	7	34	2	13	-	-	51	42	
9	Syrdarya oblast	-	5	1	3	-	-	5	8	1
10	Tashkent oblast	4	21	1	12	-	1	30	32	1
11	Ferghana oblast	1	12	2	12	-	2	13	18	
12	Khorezm oblast	1	11	-	5	-	-	12	9	
13	City of Tashkent	9	53	6	23	4	7	70	33	3
14	Republic of Karakalpakstan	2	9	-	-	-	-	11	8	
	Complaints from the convicts	1	7	1	33	-	1	-	1	3
	Foreign citizens		2	2	1	-	-	1	1	
	TOTAL	45	234	22	155	6	13	314	307	8

Notably although law enforcement officials are giving serious attention to the resolution of aforementioned problems, the issue of compliance of the law enforcement bodies with civil rights and liberties remains an acute issue and requires further legal and law enforcement regulation.

For instance, there are frequent cases of violations of current legislation by the police and prosecutorial staff, which, according to the review of complaints to the Ombudswoman are most **often demonstrated in pressing criminal charges illegally and unlawful use of criminal law enforcement procedures** such as illegal arrest and detention.

Ms. I.B. contacted Ombudswoman with a complaint on criminal charges pressed against her illegally by the police department of the Akkurgan district of Tashkent oblast (case # 3153q-13). After the Authorized Person for Human Rights's inquiry to the Prosecutor's Office of Tashkent oblast it was established that prosecutorial actions against Ms. I.B. in the criminal case were held in lop-sided manner without review of all arguments mentioned in the complaint of the defendant. After interference of the Authorized Person for Human Rights the case was returned for re-investigation by the police and prosecutor's office established oversight of the investigation (incoming ref. # 1,247 issued on 08.09.2006).

Particularly notable are the **cases of action taken against law enforcement** officers for their offences.

At the complaint of Mr. S.O. expressing discontent with the actions of prosecutor's office (case # 1,345p-ж) the Authorized Person for Human Rights filed an inquiry to the Prosecutor General's Office of the Republic of Uzbekistan. Navoi oblast prosecutor's office launched internal investigation of the ungrounded criminal charges pressed against Mr. S.O. , and as a result of impartial position of Prosecutor General's Office, disciplinary action was taken against Mr. A. Boltaev, prosecutor of Navoi city, for identified offences of criminal procedural legislation (incoming ref. № 800 on 16.06.2006).

The Authorized Person for Human Rights is particularly concerned about the human rights situation in pre-trial investigation and criminal inquiries. Review of the **complaints about discontent with the actions of law enforcement officers as well as discontent with the course and process of investigation, non-compliance with the deadlines for investigation of offences** show the picture when some pre-trial investigation officers do not comply with the requirements of criminal procedural legislation on comprehensive and objective inquiry into the circumstances of criminal cases.

In his complaint to the Authorized Person for Human Rights, Mr. J.M. expressed discontent with the failure to take action against the person responsible for the death of his brother J.N. In order to establish the circumstances of the case, the Ombudswoman filed an inquiry to the Prosecutor General's Office of the Republic of Uzbekistan. Based on the inquiry, it was established that Arnasay district prosecutor's office conducted pre-trial investigation of this case, and actions of A.A., the defendant were qualified as per Par. 1 of Article 97 of the Criminal Code of the Republic of Uzbekistan. But as the location of A.A. was not established, pre-trial investigation of this case was suspended. After consideration of the arguments made by J.M., the complainant, the decision to suspend pre-trial investigation was reversed and filed to Jizzakh oblast prosecutor's office for consideration. Currently investigation of this case is underway.

A significant number of complaints received by the Authorized Person for Human Rights consist of citizens' complaints about **the refusal to press criminal charges or ungrounded cessation of criminal cases by the law enforcement bodies.**

A complaint by Ms. I.T. about refusal to launch a criminal case against the person responsible for the death of her brother, Mr. I.N. (case # 4,087q-3) was taken under control of the Authorized Person for Human Rights and filed for further review to the Prosecutor General's Office of the Republic of Uzbekistan. As a result of investigation it was established that the death of the victim, Mr. I.N. was caused by the broken skull and cerebra hemorrhage. Police department of Guzar district pressed criminal charges against those responsible – Mr. T.G. and T.Yu., and arrested them (incoming ref. # 1,701 issued on 30.11.2006).

A complaint by Mr. K.T. about failure to take lawful action against persons who had murdered his son K.G. (case # 5p-13) was sent by the Authorized Person for Human Rights to the prosecutor's office of Surkhandarya oblast for inquiry. It was identified after inquiry that the son of complainant K.G. was hit by a car and the driver fled the place of traffic accident. The prosecutor of the police department of Denau district of Surkhandarya oblast suspended the case until the identity of the driver would be established. Prosecutor's office of Surkhandarya oblast reviewed the case and investigator's decision was reversed, and the case was sent for further investigation to the prosecutor's office of Denau district (incoming # 269 on 28.02.2006).

The complaints to the Secretariat of the Ombudsman from the convicts serving their sentences at penitentiary facilities as well as from their relatives and lawyers indicates continued **practices of human rights violations at the penitentiary system** in the form of ungrounded use of physical force, disciplinary actions, and delays in sending correspondence.¹³ complaints about unlawful actions of penitentiary officers were received in the reporting year 2006, of which 8 were taken under control. The complaints under control were forwarded to the Prosecutor General's office (7 complaints), Main Correctional Department of the Ministry of Internal Affairs of the Republic of Uzbekistan (6 complaints), and 2 complaints are under additional control.

Main Correctional Department is conducting comprehensive activities in the detention centers, correctional facilities, and medical penitentiaries in order to improve systemic in-patient and follow-up outpatient care of diseases found among convicts and detainees. Yet despite the

efforts being made health services provided to the sick convicts and sanitary state of penitentiary facilities are the cause of particular concern for the Authorized Person for Human Rights. The Authorized Person for Human Rights received 6 complaints about the issues of health services provided to convicts, of which 4 were taken under control.

Ms. T.L. contacted the Authorized Person for Human Rights to help in conducting repeated examination and qualified health services to her son K.A. serving his sentence at Penitentiary facility 64/33 (case # 4109q-1d). In her complaint Ms. T.L. indicated that her son suffered from tuberculosis and other diseases. In order to establish the essence of the case, the Authorized Person for Human Rights filed an inquiry to the Main Correctional Department. According to the answer received from Main Correctional Department, the request of the complainant to provide qualified medical assistance to her son – convict K.A. has been satisfied. The son is at inpatient treatment at the Republican Hospital for Convicts at Correctional Facility 54/18 in the city of Tashkent (incoming ref. # 1,746 on 13.12.2006).

22 complaints are actually **the requests to be transferred to correctional facilities** according to the requirements of correctional legislation.

A complaint by Ms. I.A. about violation of her husband I.R.'s rights by the staff of the correctional facility # 64/21 was reviewed by the Authorized Person for Human Rights and forwarded for verification of complainant's arguments to the Prosecutor General's Office (case # 2,114p-1z). In the course of the audit, Prosecutor General's Office established that although convict I.R. demonstrated good behavior in serving his sentence, he was unduly denied the request to the court for transfer to a settlement type penitentiary institution for the rest of his sentence period according to Article 113 of the Criminal Execution Code of the Republic of Uzbekistan by the administrative commission of penitentiary institution # 64/21. As a result of audit, Prosecutor General's office filed a protest, and the decision of the administrative commission of the penitentiary institution was annulled. Administration of penitentiary institution # 64/21 filed a request to the court on transferring convict I.R. to a settlement-type penitentiary.

The number of complaints indicating the difficulty in implementing convicts' **rights for parole and application of the amnesty and pardon** has gone up. 155 complaints were received in the reporting period, of which 28 were placed under control and forwarded to the Main Correctional Department, Prosecutor General's Office of Uzbekistan and the judiciary.

Ms. S.F. complained to the the Authorized Person for Human Rights that amnesty act was not applied to her husband sentenced to three years in prison (case # 70p-1z). As a result of the collaboration between the Authorized Person for Human Rights and Tashkent oblast prosecutor's office, and according to the answer convict U.M. benefited from the Resolution on Amnesty of the Senate of Oliy Majlis of the Republic of Uzbekistan, with remaining sentence period reduced by one-third. The term of sentence totaled 2 years 2 months and two days, and his transfer to a settlement-type penitentiary institution has been considered (incoming ref. # 291 on 03.03.2006).

Mr. B. R. contacted Ombudsman's office with the request to facilitate the release on parole (case # 588p-1z.). This complaint was sent to Prosecutor General of the Republic of Uzbekistan and it was established that convict B.R. had been disciplined three times while serving his sentence. These reprimands were found to be ungrounded and canceled by the prosecutor's office, and a notice of violations was issued to Tashkent oblast Correctional Department with instructions to redress offences and take actions against those responsible. The materials on release of convict B.R. on parole were reviewed by the administrative commission of the facility and submitted to the court (incoming ref. # 429 on 04.06.2006).

Unfortunately, there are cases of **irresponsible attitude of law enforcement and judicial officers** to the inquiries from the office of the Authorized Person for Human Rights.

Ms. B.U. complained to the Ombudswoman about unlawful criminal charges pressed against her daughter (case # 3,876q-1b). In order to establish the details of the case, the Authorized Person for Human Rights filed an inquiry to the prosecutor's office in Ellikkala district of Karakalpakstan but no answer has been yet received (outgoing reference # 07/387b-n on October 17, 2006).

The complaint by E.G. on disagreement with the actions of law enforcement bodies and failure to take legitimate actions against the persons responsible for the death of her son (case # 1,748p-13/ж) was forwarded by the Ombudswoman to Samarkand oblast prosecutor's office, which was left without consideration (outgoing reference # 071748p-13/ж on May 17, 2006).

Inquiry of the Authorized Person for Human Rights to Kashkadarya oblast prosecutor's office (outgoing reference # 07/1,205p-13-n on April 17, 2006) at the complaint of parents A.Z. and B.J. about their disagreement with inaction against persons responsible in raping their underage daughter K.M. (case # 1,205- 13) was left without due attention of prosecutor's office, who have not yet informed Ombudswoman about the outcomes of the inquiry into the complaint of the complainants.

Meanwhile, **particularly notable is the assistance of prosecutorial bodies in lawful and timely inquiry and redress of individual complaints.** In this regard, **performance of Prosecutor General's Office, prosecutor's offices in Surkhandarya and Tashkent oblasts** are particularly noteworthy.

Prosecutor's office, police departments, and courts are undergoing positive transformation in the domain of compliance and safeguarding human rights. Yet some violations of the rights of the persons isolated from the community remain the most acute problem demanding constant attention. A large number of complaints received by the Ombudswoman indicate the need to foster constructive dialogue among law enforcement bodies, courts, and the Authorized Person for Human Rights in order to ensure compliance of their performance with the standards of international law in order to promote tangible protection of human rights.

For international standards to become a viable mechanism in the routine work of law enforcement bodies and the judiciary there is a need for targeted awareness raising activities, conducting educational activities, and thorough choice and upbringing of human resources.

II. 2. Right for Fair Trial

The complaints addressed to the Authorized Person for Human Rights, the data of National Center for Human Rights, Ministry of Justice, Prosecutor General of the Republic of Uzbekistan, and media reports indicate continued human violations in the justice system.

Promoting constitutional rights of the citizens for judicial protection in many respects depends on effectiveness of the judiciary in implementation of procedural rules and procedures ensuring fair trial and effective redress of violated rights. Despite the measures taken by the government to liberalize the judicial system, to build up independence and effectiveness of the judiciary, there are numerous cases of individual complaints expressing disagreement with court rulings, non-enforcement of court orders, and hurdles in criminal and civil trials.

Review of individual complaints to the Authorized Person for Human Rights illustrates that **1,009 of 4,753** complaints received in 2006 were related to citizens' rights for fair trial.

The greatest number of complaints in the reporting period came from the city of Tashkent – 325, Surkhandarya oblast – 105, Samarkand oblast – 96, Tashkent oblast – 82, Kashkadarya – 75. 19 complaints were sent to the Ombudswoman from penitentiary institutions by the convicts discontent with the sentences handed by criminal courts, and 5 complaints arrived from Russia (3), Ukraine (1) and Kyrgyzstan (1).

Most of individual complaints are related to discontent with civil court awards, as **486** citizens complained in this regard, including 195 from the city of Tashkent, 44 complaints came from Samarkand, and 43 each from Surkhandarya and Tashkent oblasts.

309 complaints against sentences handed down in criminal cases were received along with **143** complaints about non-execution of court rulings, while **53** complaints were related to the issues of red tape in trials, and **18** against rulings of economic courts, respectively.

Of total number of complaints related to justice **359** were taken under control by the Ombudswoman, **479** complaints were forwarded for resolution to the respective institutions, **38** citizens were provided legal counseling, and **17** complaints were left without review due to the lack of new arguments.

Ms. R.M. (# 2,179p) complained to the Ombudswoman about the order of Mirabad district criminal court, which denied her daughter to be transferred to a settlement-type facility to serve the rest of the sentence. The complaint was forwarded to the Prosecutor General of the Republic of Uzbekistan, which forwarded it to Tashkent city prosecutor's office. According to the answer, the arguments of the complainant proved to be grounded and protest was issued against the ruling of Mirabad district criminal court.

Mr. A.A. filed a complaint about disagreement with the sentence issued by the criminal court against his brother (# 1,806p). The ombudswoman forwarded the complaint to the Supreme Court of the Republic of Uzbekistan for detailed scrutiny and Supreme Court found complainant's arguments to be grounded, and earlier court orders were annulled based on it, while a new trial was ordered for this criminal case.

The facts laid out in the complaint by Mr. S.A. (2,185d) to the Ombudswoman about disagreement with court ruling in a civil case on property rights have been proven, too. The complaint was forwarded to the Supreme Court for review, which sent it down to the Tashkent City Civil Court for scrutiny of complainant's arguments. According to the reply, the chairman of Tashkent City Civil Court had issued a protest to annul the ruling of cassation court and the civil case was filed for re-trial.

At the inquiry of the Authorized Person for Human Rights, prosecutor's office of Navoi oblast examined the complaint of Mr. N.B. (#1,617) about non-execution of the ruling by an oblast court and inaction of the bailiff on this matter. According to the answer, disciplinary action was taken against Mr. O. Suvonov, bailiff of the department for execution of court rulings of Navoi city for inaction in timely, full, and accurate execution of the of the duties, according to the Article 181 of the Labor Code, and measures were taken to implement court ruling.

Mr. G.Z. (№2949) contacted the Ombudswoman with the request to help in getting disability benefit from Maksad JSC (Sifat OJSC), a construction design company. The complaint was forwarded to the prosecutor's office of Tashkent city, which filed a lawsuit to Mirabad interdistrict civil court to collect benefit for the complainant.

Mr. S.M. mentioned non-execution of the ruling by Ferghana oblast economic court to annul the decision of the khokim of Uzbekistan district (# 1,154d) in his petition. After forwarding the complaint to the Department for Execution of Court Rulings under the Ministry of Justice, the Ombudsman was informed of the affirmative resolution of this matter, and of essential steps taken to implement court ruling for the benefit of the complainant.

In general, the review of individual complaints related to human rights offences in the justice system indicates that the judiciary is not yet adequately ensuring legitimacy and grounds of court rulings, while the mechanism for redressing judicial errors and strict compliance with procedural legislation is not adequately developed.

It is notable that Ombudswoman's efforts to rectify judicial errors and redress violated rights are not always welcomed by courts at various levels. Ombudswoman's letters to the courts with expression of her position in a specific case and recommendation to redress legal offences are often left without reply or unmotivated answers are received in response to these inquiries, hence violating Articles 15 and 16 of the Law on the Authorized Person for Human Rights.

Ombudswoman sent her opinion in the civil case on eviction of Yu.U. to the Supreme Court of the Republic of Uzbekistan on March 20, 2006, arguing that Articles 4, 15, 25, 27, 205 of the Civil Code of the Republic of Uzbekistan were violated by the court ruling.

In his reply dated April 10, 2006, the chairman of the collegium of the Supreme Court of the Republic of Uzbekistan very briefly informed that the complaint was denied and the complainant was informed about it. None of Ombudswoman's arguments were struck down or duly considered.

Repeated individual complaints to the Ombudswoman indicate that the citizens' complaints forwarded to the Supreme Court, Prosecutor General of the Republic of Uzbekistan are forwarded to lower judicial and law enforcement bodies with the assignment to inform the Ombudswoman about the outcomes of the review. However, as the analysis has indicated, majority of complaints are left unanswered, and Ombudswoman is forced to contact these bodies again to get the answers.

The Ombudswoman forwarded complaint # 1,197p-2b to the Khorezm oblast civil court on 30.08.2006. According to the answer received from the oblast court, this complaint was forwarded to Urgench interdistrict civil court for resolution but no answer either from the trial court or the oblast court on the outcomes of the case has been received yet.

No reply has been yet received to the letter of the Ombudswoman dated 13.03.2006 as per case # 601p-2a to the Prosecutor General of the Republic of Uzbekistan, which was forwarded to the Bukhara oblast civil court.

This practice may be interpreted as hindrance to the performance of the Authorized Person for Human Rights according to the Law on the Authorized Person for Human Rights. Lack of effective cooperation between the courts and Ombudswoman on the matters of redressing violated rights negatively affects both development and reinforcement of the system for safeguarding human rights in Uzbekistan, which consists of both judicial and non-judicial protection of human rights.

The human rights situation in the justice system causes the need to beef up parliamentary monitoring conducted by the Ombudswoman to review complaints sent to them for consideration and review by the courts at various levels.

II. 3. Workers' Rights

According to the Article 25 of the Universal Declaration of Human Rights and Article 11 of the International Covenant on Economic, Social, and Cultural Rights, the strategic objective of the welfare state is to ensure the right of everyone to the level of living standard adequate to maintain his and his family's welfare.

Welfare of an individual and his family primarily depend on the effective implementation of his labor rights, and that's where human rights are violated most often. Most large-scale offences are related to payment of wages, compensation of damages inflicted to the health of the workers

while at work; failure to comply with labor contract, recruitment and dismissal, working and leisure time; women's and minors' work; labor discipline; collective agreements; the rights of trade union committees, etc.

295 complaints related to labor issues were received by the Ombudsman in the reporting period.

159 of all complaints were related to dismissal (downsizing) and transfer to another work, of which 75 came from women, 75 –from men, and 9 were collective complaints.

The greatest number of complaints related to these issues came from the city of Tashkent (38), Surkhandarya (24), Tashkent oblast (17), Samarkand (15) and Kashkadarya (15) oblasts.

6 complainants expressed disagreement over court decision on labor disputes in the same period.

91 complainants voiced their disagreement with employer's actions, of which 21 complaints came from the city of Tashkent, 12 from Kashkadarya oblast and 11 from Samarkand oblasts.

In 2006 Ombudswoman received 39 complaints about late payment of wages, whereas the most of the complaints came from the residents of the city of Tashkent (12), Surkhandarya (8), Kashkadarya (5) and Tashkent (5) oblasts.

117 of all labor-related complaints were taken under control. In order to scrutinize the arguments in the complaints, 44 complaints were forwarded regional representatives, 21 – to prosecutorial bodies, 12 - to the Ministry of Labor and Public Welfare, 11 – for examination; 4 – to the oblast social security departments, and 3 complaints – to the courts. Replies were received for 80 complaints, and 37 are under consideration.

After the review of Ombudswoman's inquiry as per the complaint by Ms. Sh.Sh. about dismissal without due grounds by the State Tax Committee (# 4,319p), her arguments proved to be right, and the complainant was restored in her position of a tax inspector in Margilan City Tax Inspection.

After receipt of the complaint of Ms. B.E. about flagrant violations of procedural legislation in handling a civil lawsuit to be reinstated at work, Ombudswoman filed an inquiry to the Tashkent city court. Based on the review of the complaint, Mirabad interdistrict civil court awarded the lawsuit of Ms. B.E., she was reinstated in her position, and the court ruled to pay the plaintiff compensation for the wages in the period of forced layoff.

Ms. M.K. complained to the Authorized Person for Human Rights about long delay caused by Tashliftmaintenance in processing her retirement (#2,230d). The complaint was forwarded to Tashkent city prosecutor's office to scrutinize their arguments, and according to the answer, measures were taken to collect overdue payments through Uchtepa interdistrict civil court.

Ms. A.D. complained about actions of the administration of Urgut district educational department (# 552). In her complaint she indicated that she was rejected in recruitment according to her educational profile. According to the answer of Samarkand oblast educational department to the inquiry of Ombudswoman, actions of the administration were found to be inappropriate; hence, the complainant was hired as a physical education teacher to the school # 47.

Having reviewed a group complaint of the employees of Gordorstroyremont (municipal road maintenance company) at the request of the Ombudswoman, Tashkent city prosecutor's office found the arguments of complainants to be lawful and launched an administrative disciplinary action against the trust director for wage arrears.

Ombudsman of Altay kray of the Russian Federation contacted at the request of A.D., a Russian citizen, who had worked for ATP-3 of Karshistroy in Talimarjan township of Kashkadarya oblast from 1977 to 1982, to get a statement of the wages paid then. Understanding the importance of the data sought for the amount of pension and further welfare of Mr. A.D., Ombudswoman contacted the department of labor and public welfare of this oblast. Giving credit to the staff of

this department in Kashkadarya oblast, who managed to find nearly thirty-year-old data in the archives, the statement was sent to the recipients who expressed their gratitude for restoring socioeconomic rights of Mr. A.D.

In order to prevent violations of citizens' labor rights it deems important:

- To monitor negotiation and observance of collective agreements of the ministries, agencies, companies, institutions, and organizations;
- To propose respective ministries and agencies to develop a system of measures to enhance social security of the people employed in the private sector.

II. 4. Right for Children's Education

Right for education is among fundamental rights listed in the Convention on Child's Rights, which would facilitate his overall cultural advancement, and having equal opportunities, he/she could develop his/her abilities and become a useful member of the society. Having joined the Convention on Child's Rights in 1992, in order to promote citizens' rights, including children's rights for education, the Republic of Uzbekistan adopted the Law on Education, which sets the legal framework for education, upbringing, vocational training, and designed to promote everyone's right for education.

As illustrated by the analysis of individual complaints received by Ombudswoman's Secretariat, the educational system still draws criticism of the citizens in spite of the measures being taken.

In 2006 the Authorized Person for Human Rights received **57** complaints related to education and 22 complaints were taken by the Ombudswoman under control, while 15 were forwarded for resolution; 11 citizens received legal counseling; answers to 8 complaints were sent to the complainants, and 1 was discarded. 24 complaints were sent by women, 22 complaints – by men, and 11 – by groups of citizens, including 15 complaints from the residents of the city of Tashkent, 10 from Kashkadarya, 6 from Andijan and 5 from Surkhandarya oblasts.

Most often the citizens complain about illegitimate actions and decisions on children's enrollment in educational institutions and taking exams, ungrounded exclusion from an educational institution, violations of legislation in transferring from one educational institution to another, cases of disrespect to a child and parents, etc.

A group of parents of the students of Grade 4B of the School # 18 in the Mirzo Ulugbek district complained to the Authorized Person for Human Rights about actions of Ms. D.Z. Rezepova. In their complaint they indicated the facts of inaction by the school principal and staff of Mirzo Ulugbek district educational department with regard to their earlier complaints about malicious insults by the teacher, Ms. D.Rezepova. At Ombudswoman's assignment, this group complaint was reviewed on the ground by the regional representative of Ombudswoman in the city of Tashkent and Ministry of Public Education of the Republic of Uzbekistan. The reply of the head of Tashkent city educational department states that three complaints from the parents had been already received during the work of Ms. D. Rezepova in this class, and she was reprimanded for violations. The facts laid out in the complaint were partially proven, the educational process in the class was indeed inadequate and psychological climate was extremely unfriendly. Based on the outcomes of the audit, it was recommended to review whether Mr. D. Rezepova was apt to the position of a teacher for repeated violations of teacher ethics at the pedagogical board of the school.

The residents of Guroti village of Kashkadarya oblast contacted the Ombudswoman to assist in the repair of an old school, as the new school was built in Soy village located 5-6 km away from

them, which created difficulties for 109 children. The Ombudswoman proposed to concentrate the efforts of local authorities and educational department in order to make a decision satisfactory for the parents, which translated into establishment of a branch of the school # 56 in their settlement, where tuition is offered in two shifts.

II. 5. Right for Social Security

Public welfare, reduction of poverty and extreme poverty, continuous improvement in living standards as well as fair and equitable distribution of income is a special priority in Uzbekistan. Government policy in public welfare fully conforms to the provisions of the Declaration of Social Development and Progress which envisions comprehensive social support and services for everyone who cannot make a living temporarily or permanently due to an illness, incapacity to work or old age in order to maintain adequate living standards for these persons, their families, and relatives.

The fact that Year 2007 was declared as the Year of Public Welfare illustrates the continuation of gradual resolution of welfare issues in Uzbekistan with the goal of enhancement and development of legal and organizational underpinnings of social security for poor population groups. The number of those appealing to the Authorized Person for Human Rights for social security assistance signifies the need for taking specific actions to develop welfare services to the citizens with difficult livelihood.

199 complaints related to upholding the right for social security were sent to the Ombudswoman in the reporting period.

63 complaints sent to the Ombudswoman were related to disagreement with the pension granted including 24 from women, 35 from men, and 4 collective complaints. 21 complaints were received from the residents of Tashkent city, 7 from Tashkent oblast and 4 from Russia. 23 complaints were taken under control; 27 were sent to the respective institutions for resolution, explanations were provided on 7 complaints; answers were provided to 5 complainants, and 1 was discarded.

14 citizens complained about overdue payments of pensions in Year 2006, and 5 were taken under the control of the Ombudswoman.

13 complaints related to eligibility for benefits were received and 6 were taken under control.

The greatest number of citizens (109) in need of welfare assistance from the state appealed to the Ombudswoman for welfare assistance and benefits including 71 from women, 35 from men, and 3 group petitions. 24 petitions were received from the residents of Kashkadarya oblast, 17 from Surkhandarya oblast, 13 from Ferghana oblast, and 9 from the city of Tashkent.

Citizen N.Kh. complained about non-payment of disability benefits for the severe injury he received working for Kabool-Uzbek Uzbek-Korean joint venture which had guaranteed to meet all demands of the complainant but currently is experiencing financial difficulties. After the review of the issue and inquiry to the national partner of the Authorized Person for Human Rights – prosecutorial bodies it became viable to assign local prosecutor of Urta-Chirchik district to file a lawsuit for the complainant at the interdistrict civil court to collect disability benefits and overdue payments.

Mr. P.Kh., a retiree residing in Syrdarya oblast asked the Ombudswoman whether the actions of the social security office staff, who recalculated the pension for him and his wife and reduced it. After joint inquiry into the case with prosecutor's office, it became clear that indeed the pensions were not calculated right. The head of district social security office was relieved of his position

for inaccurate calculation and payment of pensions, while Mr. Sh.Kahramonov, the head of pension estimates has been strictly warned.

Ms. M.S., a resident of Uychi district contacted the Authorized Person for Human Rights with a whole range of problems. Taking into account all arguments of the complainant, Ombudswoman took actions jointly with oblast khokimiat and department of health, and as a result, the husband of Ms. M.S. obtained essential health services and got enlisted at a specialist doctor, while their daughter got employed through district labor department, and local self-governance body is providing all available support to this family.

Mr. A.M. with total working experience of more than 40 years and long tenure in the vocational educational system of Karakalpakstan appealed to the Ombudswoman for help to increase his pension. J. Sadikov, a member of the Commission for Upholding Constitutional Human Rights and Freedoms studied the case and issued his opinion on legitimacy of such a request. Ombudswoman's request and opinion was sent to the Ministry of Labor and Public Welfare of Karakalpakstan, which granted Mr. A.M. special pension, having taken into account all arguments.

Ms. A.S., a citizen of Moldova, requested her pension to be transferred to her bank account. Given the situation, the Ombudswoman contacted the National Bank for Foreign Economic Activities of the Republic of Uzbekistan in order to undertake essential transaction. The bank management not only transferred the funds which had returned due to the closure of an intermediary bank in Moscow but also paid for the commission of the foreign bank, promising to help Ms. A.S. hereinafter.

In light of the Year of Public Welfare, it would be appropriate to make an agreement on cooperation between the Ombudswoman and Ministry of Labor and Public Welfare in order to prevent violations of citizens' rights for social security; to introduce systematic monitoring of the process of timely payment of various categories of pensions; establishment of helpline at the ministry for timely reaction to the violations of retirees rights; development of the measures to improve public welfare activities.

II. 6. The Right for Freedom of Movement

The review of citizens' complaints to the Authorized Person for Human Rights indicates that the right for freedom of movement remains a pressing issue of human rights. This right is enshrined in the Constitution of the Republic of Uzbekistan and international instruments that the Republic of Uzbekistan has joined. But realization of this right in practice has encountered difficulties due to the existence of residence permit (propiska) system, which causes certain difficulties to obtain.

The lack of residence permit leads to automatic deprivation of his basic rights for labor, education, health services, and social security. If the parents lack of residence permit, it leads to violation of their children's rights.

The review of the complaints show that there are appalling offences of citizens' rights reflected in the refusal of the police to issue residence permit to the parents to live in their children's homes, which deprives them of the opportunity to obtain welfare and health services; to the children at the place of residence of the parents due to temporary move to another country for work; to the husband at the place of wife's residence, which does not enable them to work and support their families indicate red tape and bribery in addressing the issues raised.

It is notable that in violation of the rules enshrined in the legislation, the staff of residence permit office refuses to issue registration despite the consent of the respective Commission of the local authorities.

In 2006 the Ombudswoman received **181** complaints pertinent to the right of freedom of movement.

Of **46** complaints related to residence permit, 30 came from women and 15 from men, and 1 was a group complaint. It is notable that the residents of the city of Tashkent encounter these issues most often, and they accounted for 69% of these complaints. 8 complaints were taken under control by the Ombudswoman, 24 were transferred for resolution, 12 citizens received legal counseling, and answers were provided to the complainants in 2 cases.

75 naturalization-related complaints were received, of which 2 came from Russia, 1 from Kazakhstan and Kyrgyzstan. 9 complaints were taken under control by the Ombudswoman, 55 were forwarded to the respective institutions, 11 persons were informed of the measures to be undertaken to resolve aforementioned issues.

11 individuals complained about deportation in the reporting period, of which 1 came from Russia, and 1 from Kyrgyzstan.

The review has illustrated that citizens encounter certain difficulties in obtaining their passports and other identity records. There were 51 such complaints in 2006, of which 32 came from women, 18 - from men and 1 was a group complaint. The Ombudswoman made 17 requests to the various institutions of the Ministry of Internal Affairs in order to check the arguments made in individual complaints. 25 complaints were forwarded to respective institutions, 7 individuals were provided legal counseling, and 2 complainants got answers.

It is notable that at the request of the Ombudswoman the complaints related to residence permit are reviewed by the Ministry of Internal Affairs, and their replies indicate that the individuals were issued temporary residence permits without indicating why permanent residence permit were not issued, and what actions were taken against the officers violating administrative legislation of Uzbekistan.

Mr. M.A., a resident of Urgut district of Samarkand oblast appealed for help in obtaining the passport of the citizen of the Republic of Uzbekistan to her daughter-in-law, Ms. S. Akbarova. In light of the Cooperation Agreement between the Ministry of Internal Affairs and the Ombudswoman as well as the interests of a young family, a letter by the Authorized Person for Human Rights was sent to the Department of Entry, Exit, and Naturalization of this agency, which order its local unit to issue a passport, taking into account the statement by Ms. S.Akbarova to live permanently in Uzbekistan.

Mr. V.F., having served his sentence for an offence and released, found out that his former wife sold the apartment and he was left without a place of residence, and did not have an opportunity to get registration and get a passport. The Ombudswoman forwarded his application to the department of social adaptation in Uchtepa district where he lived earlier. The staff of the khokimiats of two districts in Tashkent city, expressing empathy to the problems of Mr. V.F., placed him at the dormitory # 21 of GlavTashkentstroy (municipal construction company), issued him I.D. to substitute a passport and registered him for employment.

In order to improve the state of the individuals in implementing their right for freedom of movement and choice of a place to live, it deems appropriate to make amendments in the Law on Citizens' Petitions granting the right to litigate against the actions of the officials sending letters without any motives or arguments and denying redress citizens' grievances.

II. 7. Right for Health and Qualified Medical Assistance

The state of public health and availability of qualified medical assistance are among major development indicators in a modern society. The legal framework regulating citizens' rights for health services have been created and the laws on public health; on Medicines and Pharmaceutical Activities; on Public protection from Tuberculosis, etc. have been adopted.

The major objectives of the national healthcare system are enshrined in promotion of constitutional rights of the citizens to obtain qualified health services; and equitable public access to health services; and development of preventive healthcare.

The review of individual complaints to the Ombudswoman indicate that there are still human rights violations in the domain of healthcare, namely incompliance with patients' rights for free medical assistance, violation of their rights for information on diseases and methods of treatment, and inadequate rate of drugs supply.

101 complaints about violations of healthcare rights of citizens and disabled persons were sent to the Ombudswoman in 2006 including 20 regarding public health services; 20 - on disagreement with actions of healthcare bodies; 9 related to disagreement with diagnosis set by the doctors, and 52 on the issues of health services for the disabled persons. Most complaints related to the issues of health services for the disabled came from Surkhandarya oblast – 11, 7 came from Samarkand oblast, and 5 from Tashkent city.

As the monitoring of patients' rights held by the Ombudswoman illustrates, inadequate legislative framework of healthcare, the issues related to the organization of healthcare system, availability of material, technical, and human resources, low awareness of the public of its rights and inadequate legal awareness of the healthcare staff are conducive to violations of their rights.

A complaint by Mr. B.K., a resident of Yunusabad district of Tashkent city stated that facial surgery was conducted based on wrong diagnosis, which only worsened the condition of the patient. As a result of Ombudsman's complaint to the Main Department of Healthcare in the city of Tashkent, a medical commission was set up, which, established after detailed inquiry that doctor M.Narzullaeva in the initial stage, having done superficial examination and without finding out about previous treatment and ignoring the need for differentiated diagnostics, had set a wrong diagnosis, hence, respective treatment and diet. As a result, Mr. B.K. had to complain about damage inflicted to his health. Appropriate medical assistance was provided to him at Municipal hospital # 17 in accordance with the new diagnosis set by medical commission. Doctor M. Narzullaeva was subjected to administrative penalty.

Mr. Kh.F., a resident of Chust township in Namangan oblast appealed to the Authorized Person for Human Rights about improper treatment of his daughter by the surgeon S. Boltaeva at the district gynecological hospital. At the request of the Ombudswoman and inquiry into the state of affairs, the specialists of oblast healthcare department established that it did occur. S.Boltaeva is out of surgical practice and medications worth 130,000 soums necessary for further treatment of complainant's daughter were funded by the hospital and donations.

Ms. N.P., a resident of Syrdarya oblast reported the sad case of her daughter, who was in the maternity hospital in the town of Bakht in the seventh month of her pregnancy. Malpractice by the medical staff led to the death of both child and mother. The Ombudswoman assigned the regional representative, prosecutor's office and Ministry of Health of Uzbekistan to inquire into the fact brought forward. A special commission was set up, and it confirmed the facts mentioned in complainant's petition. The manager of maternity hospital V.Kim and administrator of acute

care A.Esergadiev were dismissed from their positions, administrative and disciplinary actions were taken against the number of managers in the city healthcare department, and measures were taken to prevent these facts of medical malpractice.

In order to enhance the quality of public health services, it is recommended to enhance collaboration of the Ombudswoman with the Ministry of Health of the Republic of Uzbekistan in the framework of Cooperation Agreement, and scale up the activities of the ombudsmen for patients' rights introduced in three medical institutions as an experiment.

II. 8. The Right to Protect One's Family

The issues of complying with the rights of socially vulnerable population groups – women and children, family security, maternity and childhood are the priorities in the activities of the Authorized Person for Human Rights.

The Ombudswoman has encountered the issues of protecting families, women's and children's rights, audit of implementation of specific laws or international conventions as well as awareness-raising campaigns.

In 2006 the Authorized Person for Human Rights received 132 complaints related to the safeguards for family, women's and children's rights, while the complaints from women accounted for 78%. 100 complaints were mailed in, 32 were submitted in the meeting hours, 103 came from women, 19 from men and 10 complaints came from groups.

88 citizens complained to the Ombudswoman with regard to family and domestic affairs, while violations of women's rights were indicated in **28** complaints, and children's rights in 16 cases.

In majority of cases women turn to the Ombudswoman because of ignorance of their rights in family relations and opportunity of free-of-charge legal counseling on any issues. In some cases women complain to the Ombudswoman without using their opportunities to seek redress of their violated rights according to the current legislation, hence, their complaints are forwarded to the respective institutions.

The largest number of complaints was sent from the city of Tashkent (30), Tashkent oblast (18) and Kashkadarya (15) oblasts.

35 complaints under Ombudswoman's control where offences of women's rights have been identified are related to the issues of financial benefits; support in winning child custody over the spouse based on court order; disagreement with the actions of government officials and farmers. Women's complaints indicated the failure of law enforcement officials to take appropriate measures despite their numerous complaints.

69 complaints were sent to the respective bodies in order to resolve the issues posed according to the current legislation; counseling was provided in 10 cases; answers were mailed to the complainants in 17 cases; 2 complaints were left unanswered as the previous complaints have already been answered.

As shown in the analysis, the number of complaints from woman in co-habitation has grown. In their complaints they indicate failed relations with cohabitants who do not support them financially, leave without housing, refuse to help in bringing up their children, complain about their relatives who hinder their normal relationship, and discourage their family life.

With regard to this category of complaints, the Ombudswoman provides counseling on the provisions of Family Code indicating the actions the woman need to take to resolve emerging problems.

Ms. M.I. from Surkhandarya oblast complained about disappearance of her husband Mr. Kh.Kh., inactions of respective bodies, and resulting difficult financial status of the family. The Ombudswoman got the national internal affairs bodies and prosecutor's office involved in this case to launch search operations, and local mahalla (community council) provided financial assistance to the family.

Ms. N.N., a resident of Pakhtaabad district in Andijan oblast, in her complaint to the Ombudswoman reported difficult financial situation in the family after her husband left her with no subsequent support, and asked for assistance in resolving her housing needs. Having reviewed complainant's arguments on the ground, the khokimiat (governor's office) of Andijan oblast informed the Ombudswoman in its response that Ms. N.N. was included in the list of persons in need of land plots, and starting August 2006 she would be paid benefits by the mahalla within 6 months, and she would explained of her rights to litigate to collect child support.

Analysis of the Authorized Person for Human Rights activities in exercising parliamentary oversight of realization of women's rights confirms the need to beef up the performance of Consultative and Analytical Council under the Authorized Person for Human Rights in the domains of observing and safeguarding women's rights, maternity and childhood along with scaling up awareness-raising efforts and conduct workshops to enhance legal literacy of women in country's areas jointly with Women's Committee of Uzbekistan.

Children's rights and lawful interests are safeguarded through various legal mechanisms and solid legal framework has been set up to advance children's interests in the country. In addition to legislative guarantees, Uzbekistan also advances institutional safeguards of child's rights.

Yet despite a large number of regulatory acts and activities of government institutions to protect children's rights, there are still offences taking place in this domain as illustrated by the analysis of incoming complaints to the Authorized Person for Human Rights.

In 2006 the Ombudswoman received 16 complaints on violations of child's rights including 6 from the city of Tashkent, three complaints each from Samarkand and Surkhandarya oblasts, 2 from Syrdarya oblast and 1 from Khorezm oblast. 11 complaints were taken under control, 2 were forwarded to the respective institutions; explanations were provided in 1 cases; 2 answers were mailed to the complainants.

A resident of Tashkent of oblast complained to the ombudswoman about illegitimate actions of the principal and teachers of Nafis San'at (Fine Arts) high school in dismissing her daughter. Ministry of Public Education of the Republic of Uzbekistan set up a commission to inquire this matter and the actions of the high school administration were found to be unlawful, and complainant's daughter is continuing her studies at the high school.

In order to enhance the effectiveness of the governance in the domain of compliance and protection of child's rights, adoption of the Law on Juvenile Justice could be helpful as well as creation a system of monitoring and collection of information on violations of minors' rights and setting up a position of Child's Rights Commissioner.

II. 9. Rights of Military Servicemen, Law Enforcement and Judicial Officers

Ensuring actual compliance with the rights and liberties of military servicemen is a component of military reforms underway in Uzbekistan. Despite the measures being undertaken to enhance the legal framework of military servicemen's rights, rank-and-file servicemen remain most

vulnerable in legal and welfare aspects. One of the reasons is inadequate legal awareness of the servicemen, lack of essential information as the outcome of inadequate educational work with soldiers and officers, and inadequate overall culture of the servicemen.

The analysis indicates existence of problems for law enforcement officers and judicial staff. In total 27 complainants contacted the Ombudswoman in 2006 on the issues related to violations of the rights of military servicemen, law enforcement officers, and judicial staff, while 9 complaints were taken under control; 14 forwarded for review in the respective institutions; explanations were provided in 3 cases, and 2 answers were mailed out to the complainants.

In their complaints the citizens express their disagreement with being discharged from the Armed Forces of the Republic of Uzbekistan with diagnosis of a trauma received in service; asked for explanation of the Law on Universal Conscription and Military Service and help in privatizing the army-owned apartments where they live.

In order to ensure effective and comprehensive mechanism for ensuring the rights and lawful interests of the citizens in the category above, it is essential to:

- boost the profile of military prosecutor's office to safeguard servicemen's rights;
- promote awareness-raising efforts in servicemen's rights.

II. 10. Entrepreneurs' Rights

Protection of the rights and lawful interests of the entrepreneurs along with the creation of the legal framework and the system of benefits and guarantees to enable them freely operate for the prosperity of not only their own family but also for development of Uzbek economy is an important aspect of governance and legal reforms.

According to the data of the Ministry of Justice of the Republic of Uzbekistan, there are 1,845 statutory and regulatory acts related to entrepreneurship, namely 62 laws, 112 decrees and 33 resolutions of the President, 426 resolutions of the Cabinet of Ministers of the Republic of Uzbekistan as well as 584 intra-agency acts regulating entrepreneurial activities. In addition, there are 628 regulatory acts in some way related to entrepreneurship.

No doubt this number of legislative acts regulating entrepreneurship makes it complicated to keep track of them and correctly understand them, and creates issues in their practical implementation.

One of the reasons for violations of entrepreneurs' rights is the difficulty to ensure practical implementation of numerous legislative acts by law enforcement and oversight bodies as well as inadequate knowledge of the entrepreneurs of the regulations relevant to their businesses. The aforementioned reasons often lead to illegal interference of government institutions in business activities.

In 2006 the Ombudswoman's Secretariat received 63 complaints related to entrepreneurial activities including 44 on violations of entrepreneurs' rights and 15 – on the issues related to making loans.

The review of these complaints show that the state of the legislation on entrepreneurship in the practices of government bodies, law enforcement and oversight bodies.

6 residents of Surkhandarya oblast, 6 residents of Samarkand oblast, 5 residents of Syrdarya oblast, and 5 residents of Tashkent city in their letter indicated the difficulties in advancing entrepreneurs' rights. The residents of Surkhandarya oblast (4), Republic of Karakalpakstan (2) and city of Tashkent (2) have encountered difficulties in getting loans.

Despite adoption of regulations limiting unlawful interference in the activities of business entities including those setting the rights and responsibilities of the inspecting officials, violations of inspection procedures are still occurring. There is red tape and artificial barriers created by some officials in licensing, issuing permits, registration, and other procedures.

Mr. T.T., a resident of Tashkent oblast complained to the Ombudswoman about difficulties of getting a loan from district office of Khalq Banki to purchase cattle. After the inquiry of the Ombudswoman into the situation why the farmer could not get the loan needed, manager of the bank's oblast office assigned Kuyi-Chirchik district branch to issue the loan, which was subsequently done within five days.

Mr. M.A., a private entrepreneur, complained to the Ombudswoman that his cafeteria was being demolished due to reconstruction works in the historical part of Samarkand city but he was not being compensated with equivalent land plot in the city center. It is notable that the complainant had appealed to all authorities prior to this complaint. In handling this matter, those authorities did not consider the fact that Mr. M.A. is disabled. After thorough review of the issue jointly with the municipality, a decision was made to allocate a land plot to Mr. M.A. for trade business in the part of the town convenient for the complainant.

In order to review the state of compliance with entrepreneurs' rights due to increasing number of complaints from their side it deems expedient to conduct monitoring of compliance with farmer - entrepreneurs' rights. A pilot monitoring project is expected to be arranged in Tashkent oblast in 2007 and nationwide in 2008.

II. 11. Right for Decent Living Standards

Every citizen of the Republic of Uzbekistan as a consumer is entitled to receive quality utility services. The right for decent housing is enshrined in the Civil Code of the Republic of Uzbekistan, Housing Code of the Republic of Uzbekistan, Law on Private Homeowner Cooperatives (PHOC), Law on Consumer Rights Protection of the Republic of Uzbekistan, Resolution of the President of the Republic of Uzbekistan on Additional Measures to Improve Performance of Homeowners, and other statutory acts.

The review of the complaints received by the Authorized Person for Human Rights indicates that violations of housing rights of citizens including utilities services account for the bulk of incoming complaints.

In 2006 the Ombudswoman received **479** complaints related to this subject, of which every third complaint was related to violations involving utilities services.

114 citizens appealed to the Authorized Person for Human Rights with a request to help in purchasing homes. Most applications came from the city of Tashkent (47), Surkhandarya (21), and Syrdarya (12) oblasts. **160** individuals asked the Ombudswoman for help in allocation of land plot for home construction.

Complaints related to utility services and home maintenance as well as performance of PHOCs constitute 44.7% of all complaints (215) incoming to the Ombudswoman including 98 related to utilities and home maintenance and 107 on the activities of private homeowner cooperatives.

Individuals report on cases of low quality utility services (heating, electricity and water supply), untimely recalculation when services are not provided, need to overhaul the infrastructure, lack of subsidies, etc.

These issues are typical for all districts and cities nationwide and particularly for Tashkent city, Surkhandarya and Tashkent oblasts.

Regional representatives of the Authorized Person for Human Rights jointly with respective local authorities, PHOC associations, and law enforcement bodies arranged inspections to seek proof of the facts laid out in 100 complaints under Ombudswoman's control. 70% of complaints were found to be grounded and respective measures were taken for them, while 90 individual complaints were forwarded for resolution; 11 individuals were provided legal counseling on respective issues, 4 applicants were given answers with information where to refer with regard to those problems.

Nearly every complaint is sent to the Ombudswoman after the residents have repeatedly filed claims to the housing and utility companies whose management do not take any measures to resolve the identified issues.

Within its authority the Ombudswoman appeals to the authorities but the issues of redressing citizens' rights are not always addressed positively or their consideration takes too long.

In their complaint to the Ombudswoman, a group of homeowners indicated unlawful actions and embezzlement by the Odol PHOC chairman and plead to arrange an audit of cooperative's performance, as their complaints to the respective institutions were to no avail (# 533p). After joint inspection with Mirabad district PHOC Association, Regional representative of the Ombudswoman in the city of Tashkent found the argument to be grounded. The chairman of PHOC was dismissed for his offences, while a letter was sent to Mirabad district tax inspection to audit the operations of the cooperative.

At the request of the Ombudswoman, the complaint of Furkat PHOC members about hike in maintenance rates (#689p) has been reviewed. According to the response of Mr. R.Usmanov, first deputy mayor of Tashkent city, the complaint was reviewed by a commission and general meeting of the residents decided to leave the fee at the previous rate.

The Ombudswoman also followed up the complaint of apartment block residents about unlawful actions of Tarakkiyot sari PHOC as well as inaction of the board and audit commission of the cooperative. The inquiry by the regional representative of the Ombudswoman in the city of Tashkent jointly with PHOC of Chilanzar district into complainant's arguments confirmed them. Identified issues were resolved with the respective report filed and the signatures of the complainants collected.

Reports of the unlawful actions of Tinchlik Kommunalchi PHOC chairman in the complaint of the cooperative members to the Ombudswoman and inspected by Chilanzar district khokimiat (administration) also proved to be accurate (# 377p). The chairman was dismissed in the general meeting and audit of the cooperative's finances was ordered.

Tashkent city municipality, prosecutor's office of Bektemir district and the association of PHOCs of Tashkent city reviewed the complaint by apartment block residents within Saibnazar –ota cooperative. Audit of PHOC's activities by the prosecutor's office and tax inspection of Bektemir district identified major offences by the chairman, and criminal charges were pressed against him.

In order to fully implement the regulations designed to ensure effective operations of PHOCs' and contractual relations among homeowners and utility service providers; enhance responsibility of officials in promoting the rights and lawful interests private homeowner cooperatives, there is a need for wide-scale systematic awareness-raising efforts among

homeowners; introduce the practice of meetings between officials and association members; set up monitoring services at PHOC association to promote the rights and lawful interests of private homeowners.

II. 12. Issues related to Activities of Local Authorities

Rational and effective mobilization of regional capacity as well as harmony of local interests with national interests is a priority in socioeconomic development of the Republic of Uzbekistan. Effectiveness of government policy consists of uniform understanding of the objectives set by the society and timely implementation of government strategy in the entire sociopolitical realm of the country.

Local authorities are responsible not only for socioeconomic development of subordinate areas but also for all government institutions, organizations, businesses, and local community councils to uphold legitimacy and human rights.

However, analysis of the complaints received by the Authorized Person for Human Rights illustrates that most complaints from the residents of different areas in the country are related to unlawful actions of some staff of local authorities, as **207** complaints against them were received, of which **99** were taken under control.

In 2006 **122** complainants referred to the Ombudswoman expressing disagreement with the decisions and actions of khokimiats, of which 35 complaints are group complaints, 22 complaints came from Tashkent city, and respectively 19 – from Surkhandarya oblast, 14 each from Samarkand and Kashkadarya oblasts.

41 complaints indicated their disagreement with the decisions and actions of shirkat (agricultural cooperative) officials.

Notably the citizens express discontent not only with the actions and decisions of local authorities but also certain aspects of the activities of community councils. 44 such complaints were received in the reporting period.

There is a growing need to explain the functions of different legal bodies to the people. An example to this end may be the complaint by Mr. N.Sh. from Jarkurgan district of Surkhandarya oblast about actions of local notaries Mr. B.Elmuradov and Ms. Z.Rasulova with claims against them in processing a deal with land ownership. The Ombudswoman contacted local prosecutor's office, who held scrupulous inquiry of the facts laid out in the complaint by N.Sh. No criminal offences were found in the actions of the notaries after inquiry; nevertheless, the materials were submitted to oblast justice department Notaries commission, which offered a disciplinary action in the amount of 30% of minimal wage against Ms. Z.Rasulova for rude behavior.

Ms. S.T. complained about non-payment of wages for cotton picking season expressing her discontent with the actions of Bogigul farm manager. At the request of the Ombudswoman, Jizzakh oblast prosecutor's office held an inspection and identified violations. The complainant was issued food products to compensate for labor, and an administrative disciplinary action was taken against A. Muradov, farm manager according to the Article 49 of the Code of Administrative Liability of the Republic of Uzbekistan.

Ms. I.D., who had adopted and was rearing an orphan, reported that she tends silkworm at home. She could not get the payment for the output from farmer Kh.Akbarov, while khokim (mayor) of Gijduvan district was not taking effective actions to resolve her problems. According

to the answer from deputy governor of Bukhara oblast, these facts proved to be accurate and the complainant received the payment in the amount of 295,812 soums.

Mr. U.T., a resident in Uzun district of Surkhandarya oblast pled to the Ombudswoman for help in getting compensation for a demolished home. The complaint was forwarded to the governor of Surkhandarya oblast, who responded that the property of the complainant was valued at 832,608 soums, and this amount was allocated to the local authorities. The complainant was provided construction materials for these funds, and remaining 219,845 soums were transferred to an account in Khalq Banki for Mr. U.T. Furthermore, based on decision of district mayor, the complainant was exempted from land tax in 2005-2009.

In order to prevent human rights violations by local authorities and civil self-governance bodies, it is essential to conduct regular monitoring of human rights compliance by local authorities and civil self-governance bodies by regional representative of the Authorized Person for Human Rights and arrange a cycle of regional workshops for the staff of these bodies on the subject: Mechanisms of Promoting Human Rights and Freedoms at Local Level.

Systemic analysis of the complaints received by the Authorized Person for Human Rights in 2006 indicates that prevention efforts to root out the factors causing the violations of human rights and freedoms will be effective under the following conditions:

- **All forms of parliamentary oversight enhanced including legal regulation of the implementation mechanism of international human rights standards in the national legislation, law enforcement practices of government officials including the judiciary;**
- **Inadequate legal support to the involvement of civil society institutions in exercising public control over the activities of government bodies, including courts and law enforcement institutions addressed;**
- **Bribery, incompetence, and inadequate qualifications, irresponsibility of some law enforcement officers, officials of local authorities and civil self-governance institutions eliminated;**
- **Coordination of activities of government bodies and public sector in legal awareness of citizens as well as in development of comprehensive system of legal education for all groups of population maintained.**

III. Activities of Ombudswoman's regional representatives

In 2006 the activities of Ombudswoman's regional representatives featured dynamism; their logistical support was improved; their collaboration with local authorities was enhanced; public awareness raising activities were stepped up; long-term contacts with civil society institutions were spearheaded.

Monitoring of human rights compliance locally is a main activity of Ombudswoman's regional representative, and his findings are reported to the local authorities. In the reporting year the regional representatives monitored the compliance with homeowner rights in Karakalpakstan, oblasts and Tashkent city. Members of expert and working groups under the regional representatives, NGOs and the media were actively involved in those efforts. Findings of the monitoring were presented to the local authorities and discussed in the meetings of respective administrations.

Notably, holding of the monitoring facilitated effective implementation of the provisions of the revised Law on Private Homeowner Cooperatives adopted in 2006; enhancement of the

responsibility of local bodies and associations in promoting citizens' rights for decent housing by taking swift measures to prevent the reasons and factors causing the offences of citizens' rights. Acceptance and review of individual complaints is a priority in the activities of Ombudsman's regional representatives and implemented according to the requirements of current legislation. The review of the regional representatives' work in handling individual complaints illustrate that individuals appeal to the Ombudswoman's local representatives in the issues related to their socioeconomic rights and the complaints are on the increase.

Ombudswoman's regional representatives have actively used the forms of activities such as presence in trials as an observer, meetings with local complainants, visiting penitentiary institutions with inquiries on specific facts, and counseling of citizens on the issues of concern.

In the reporting year, Ombudswoman's regional representatives reviewed **1,377** individual complaints with the rights of citizens redressed in most cases, and complainants were explained the means and methods of protecting their rights.

Complaints from individuals received by Ombudswoman's regional representatives were distributed as follows:

№	Regions	2004	2005	2006
1	City of Tashkent	135	203	259
2	Andijan oblast	24	65	69
3	Bukhara oblast	75	55	60
4	Jizzakh oblast	67	72	15
5	Kashkadarya oblast	79	86	80
6	Navoi oblast	128	143	264
7	Namangan oblast	47	31	27
8	Samarkand oblast	243	275	270
9	Syrdarya oblast	28	29	44
10	Surkhandarya oblast	96	47	47
11	Tashkent oblast	14	20	59
12	Ferghana oblast	289	38	33
13	Khorezm oblast	228	202	136
14	Republic of Karakalpakstan	12	25	14
	TOTAL	1,465	1,291	1,377

Notably the upsloping trend in the number of complaints to the regional representatives has been observed in a number of regions including the city of Tashkent, Andijan, Bukhara, Navoi, and Syrdarya oblasts. In a number of oblasts (Jizzakh, Namangan, Khorezm oblasts and the Republic of Karakalpakstan) decreasing trend in the number of citizens' complaints has been noted due to organizational matters of regional representative activities and enhanced collaboration with local authorities in handling citizens' complaints.

The complaints received by Ombudswoman's regional representatives were broken down into the following categories:

№	Categories of Human Rights	2005	2006
1	Right for life, freedom, and personal immunity, humane treatment and dignity:	157	155
	Disagreement with arrest and imprisonment	18	16
	Disagreement with criminal charges pressed	40	30

	Matters of transfer of inmates to another place of incarceration	2	6
	Matters of amnesty act and pardon	20	21
	Provision of medical assistance to convicts	15	7
	About illegal actions of the penitentiary service officers	4	4
	About disagreement with actions of law enforcement officers	33	41
	About disagreement with the investigation process	25	24
	About change in preventive action (release on bail)		6
2	Right for fair trial:	164	197
	Disagreement with criminal court sentence	50	53
	About disagreement with ruling of civil court	63	80
	About disagreement with ruling of economic court	19	11
	Non-enforcement of court rulings	20	36
	Hurdles created in trials	12	17
3	Right to work:	149	147
	Disagreement about dismissal (downsizing) and transfer to another job	57	61
	Disagreement about court ruling on the matter	15	10
	Disagreement about actions of the administration of the institution, organization, and company	57	46
	Untimely payment of wages	20	30
4	Right for education	61	18
5	Welfare rights:	126	83
	pension entitlements	23	18
	Untimely payment of pension	15	11
	Issue of benefits	32	22
	Issues of financial assistance and benefits	56	32
6	Right for freedom of movement:	49	57
	Residence permit matters	15	24
	Naturalization issues	16	20
	Deportation issues	3	3
	Issues of citizens' passport and other identification documents	15	10
7	Healthcare rights of citizens and disabled:	72	89
	Issues of providing public medical assistance	38	44
	Complaints about practices of healthcare workers	25	24
	Disagreement with diagnosis	-	4
	Issues related to benefits for the disabled	9	17
8	Family welfare rights:	121	70
	Violation of women's rights	13	22
	Violation of child's rights	22	19
	Family and domestic issues	86	29
9	Rights of military servicemen, law enforcement officers, and judicial staff	5	4
10	Entrepreneurial rights:	43	49
	Violation of entrepreneur's rights	29	41
	Issues related to access to loans	14	8
11	Housing and utilities issues:	171	222
	Issues of home purchase	45	53
	Issues of home maintenance and utility services	45	68

	Issues related to activities of PHOCs	33	64
	Issues of land plot allotment	48	37
12	Issues related to activities of local authorities, collective farms, and civil self-governance bodies:	50	94
	disagreements about decisions and actions of local authorities	32	59
	disagreements about decisions and actions of collective farm officials	12	20
	disagreement about decisions and actions of civil self-governance bodies	6	15
13	Issues related to indexation of funds	-	2
14	Issues related to improvement of legislation	7	19
15	Other issues	116	171
	TOTAL	1,291	1,377

The nature of citizens' complaints reviewed by Ombudswoman's regional representatives enables to notice that prevailing majority of complaints are related to housing, labor and socioeconomic rights. The complaints about violation of housing rights (**222**) related to inadequate performance of public utilities, private homeowner cooperatives, purchasing home or allocation of a land plot for construction make up a substantial part of citizens' complaints (171 in 2005). **147** workers' rights-related complaints were received against 149 in 2005, where citizens complained about unlawful dismissals, wage arrears, disagreement with actions of the management of institutions and companies. The number of healthcare-related complaints related to the quality of public health services and the rights of the disabled has also gone up to **89** from 72 in 2005.

Ombudsman's regional representatives received **197** justice-related individual complaints (164 in 2005) about violations of their rights. This growth is primarily due to the disagreements with civil court awards, non-execution of court decisions, and red tape in trials. Citizens also complain about violations of the right for life, freedom, and personal security, humane treatment and dignity (**155** against 157 in 2005). Majority of complaints are related to disagreement over criminal charges pressed, arrest and detention, unlawful actions of law enforcement bodies, discontent with investigative actions, and issues in application of amnesty act.

The number of citizens' complaints related to the performance of local authorities and civil self-governance institutions has significantly increased (up to **94** from 50 in 2005). The citizens have also been complaining about offences of entrepreneurial rights (**49** complaints against 43 in 2005).

The number of complaints related to social security rights, inter alia, pension regulations, benefits and financial support, went down from 126 complaints in 2005 to **83**. Although the number of complaints related family rights has gone down from 121 complaints in 2005 to 70 yet the number of complaints about offences of women's rights increased (from 13 complaints in 2005 up to 22). There are also citizens' complaints related to freedom of movement (57 against 49 in 2005); related to education (18 against 61 in 2005); improving legislation (19 against 7 in 2005); safeguarding the rights of servicemen (4 complaints against 5 in 2005).

In addition, in order to redress grievances, exercise oversight, conduct inspections, and collect objective information on human rights in the areas, the Ombudswoman has issued 263 assignment to the regional representatives as per specific complaints of citizens (237 in Year 2005). 38 cases have been settled positively in the reporting year (67 in Year 2005) and violated rights of the citizens have been redressed; 124 are under control; the arguments contained in 101

complaints have not been reaffirmed; the complainants have been explained the procedures and means for protection of their rights and lawful interests.

The distribution of Ombudswoman's assignments sent to the regional representatives is as follows:

№	Oblasts	Assignments sent		Positively settled in		Under control	Arguments were not confirmed; explanations given
		2005	2006	2005	2006		
1	City of Tashkent	36	59	17	18	9	32
2	Andijan oblast	16	13	4	1	6	6
3	Bukhara oblast	15	13	7	1	3	9
4	Jizzakh oblast	4	7	1	1	4	2
5	Kashkadarya oblast	44	36	6	1	22	13
6	Navoi oblast	23	19	3	1	10	8
7	Namangan oblast	14	8	7	2	3	3
8	Samarkand oblast	25	25	3	2	22	1
9	Syrdarya oblast	5	22	1	5	10	7
10	Surkhandarya oblast	16	24	6	2	12	10
11	Tashkent oblast	8	4	2		3	1
12	Ferghana oblast	2	14	1	1	13	
13	Khorezm oblast	13	7	2	1	4	2
14	Republic of Karakalpakstan	16	12	7	2	3	7
	TOTAL	237	263	67	38	124	101

Uneven distribution of Ombudswoman's assignments is explained by the existence of organizational issues in the activities of regional representatives hindering their effectiveness. Performance of Ombudswoman's regional representatives in Karakalpakstan, Andijan, Bukhara, Syrdarya, and Khorezm oblasts and city of Tashkent are noteworthy for timely and swift accomplishment of Ombudswoman's assignment with the assistance of local authorities and resource support of own organizations.

Majority of Ombudswoman's assignments sent were related to the issues of promoting housing rights (56); right for fair trial (47); labor rights (32); right for freedom and personal security(30); activities of local authorities (23); patients' rights (11); welfare rights (10).

The following examples illustrate the nature of individual complaints handled by Ombudswoman's regional representatives:

In the Year of Charity and Medical Staff, the regional representatives have paid great attention to the issues of observing citizens' rights for qualified health services. The regional representative of the Ombudswoman in Syrdarya oblast received a complaint from Ms. K.E., a resident of Shirin city with the request to help in formalizing the disability category of her husband and claiming eligibility for benefits. After the inquiry into this complaint, Mr. Z.E. was designated 2nd category disability and municipality and community council have provided financial assistance to the family.

The regional representative of the Ombudswoman in Andijan oblast, having reviewed the complaint from Ms. M.B. about her disagreement with the sentence for her son F.B. issued by Andijan oblast criminal court, sent its recommendations on this case to the court. As a result,

the oblast appeals court changed the sentence by re-qualifying defendant's actions and reducing the sentence from 15.6 years to 10.5 years in prison.

A group complaint from the residents of an apartment block in Yakkasaray district of Tashkent city voicing their discontent about increased maintenance fees and unsatisfactory conditions of the infrastructure has been reviewed by Ombudswoman's regional representative in the city of Tashkent. After the audit, the maintenance fees of Bashlik Mangulik PHOC were reduced by 20% and residents got their bills re-calculated, and vertical heating pipes were replaced.

The Ombudswoman received the complaint of Ms. L.Kh., who earlier worked as the manager of mail office in Shavat district, about violation of her worker rights by the administration of Khorezm branch of O'zbekiston Pochtasi (UzbekPost). After the review of the complaint by Ombudswoman's regional representative in Khorezm oblast, violations of the Labor Code of Uzbekistan were identified and recommendations were made to the manager of the institution. Based on the results of the inspection, the complainant was reinstated in her position.

Regional representatives introduced a new practice of collaborating among themselves in conducting awareness-raising campaigns and handling individual complaints. Members of expert and working groups as well as volunteers of Ombudsman's regional representatives were being invited to the events held by Ombudswoman's Secretariat.

In the reporting year according to the Resolution # 232-II of Oliy Majlis of the Republic of Uzbekistan issued on May 12, 2001, Jokargi Kenes of Karakalpakstan, Kengashs of People's deputies of Andijan, Bukhara, Kashkadarya, Navoi, Samarkand, Syrdarya, Surkhandarya, Khorezm oblasts and city of Tashkent held hearing sessions dedicated to the reports of Ombudswoman's regional representatives on human rights situation in the area and their activities. However, elected bodies of Jizzakh, Namangan, Tashkent, and Ferghana oblasts have not heard the reports of Ombudswoman's regional representatives. It appears that reflection of these issues in the Regulations of Kengash (Council) of people's deputies as well as adoption of respective recommendation by the Senate of Oliy Majlis of the Republic of Uzbekistan would be appropriate for implementation of the parliamentary recommendations.

The Authorized Person for Human Rights focuses on the matters of human resource development of this institution. In February 2006 the "Strategy" Center (Russia) and OSCE Project Coordinator in Uzbekistan jointly held workshop-training on "Issues of Improving the Performance of Ombudswoman's Regional Representatives: International and National Experience", and regional representatives of the Ombudswoman, members of the Commission for Observance of Constitutional Rights and Freedoms, experts and staff of Ombudswoman's Secretariat participated in its work. The training was held tapping into international and Russian experience of regional ombudsmen's activities. In the course of the training, regional representative exchanged the experience they had accumulated in protecting citizens' rights. The Russian experts noted the impressive outcomes in the activities of Ombudswoman's regional representatives.

In April 2006 the second stage of this training was held, and the outcomes were 6 trainers among Ombudswoman's staff and regional representatives trained. A series of workshops titled Objectives of the Human Rights Experts Groups designed by the trainers and staff of Ombudswoman's Secretariat were held in Bukhara (June 6), Gulistan (June 20), Navoi (June 23), Khiva (December 1), and Samarkand (December 5). Members of the expert groups under Ombudswoman's regional representatives and working groups involving prosecutor's office, internal affairs, justice and healthcare departments participated in those workshops. Reports dedicated to Ombudswoman's activities, her regional representatives, handling citizens'

complaints, human rights monitoring, cooperation with khokimiats, police and justice department in human rights affairs. Presentations of the book titled “World’s Ombudsmen” were held in the workshops in Khiva and Samarkand.

With an objective to learn about experiences of overseas ombudsmen, six regional representatives of the Ombudswomen from Karakalpakstan, Andijan, Syrdarya, Surkhandarya, Ferghana, and Khorezm oblasts participated in the trips to Austria, Czech Republic and Slovakia.

In the framework of implementation of UNDP National Human Rights Institutions Capacity Building Project, technical assistance was provided to 8 offices of regional representatives (Andijan, Kashkadarya, Namangan, Samarkand, Surkhandarya, Syrdarya, Khorezm oblasts, Republic of Karakalpakstan) by providing them computers with Internet connection. In April 2006 members of the expert groups and volunteers of 8 regional representatives of the Ombudswoman were trained in computer literacy.

In the reporting period the collaboration of regional representatives with government and public institutions was geared towards further enhancement of contacts, explaining the functions and objectives of the Ombudswoman, and effective resolution of citizens’ complaints.

In 2006 the regional representatives continued their efforts jointly with local prosecutors’ bodies, police, justice, and healthcare departments, and trade unions based on joint plans. Joint working groups continued their efforts for effective resolution of citizens’ incoming complaints, human rights monitoring, and awareness raising efforts.

Yet there are some local officials, particularly judicial and law enforcement officers neglecting the requirements of the Law on the Authorized Person for Human Rights related to provision of timely and grounded answers to the requests of Ombudswoman’s regional representatives. In order to foster collaboration and rapprochement with law enforcement and judicial bodies and address misunderstandings of Ombudswoman’s functions by some officials, the activities were undertaken to improve collaboration by arranging workshops and meetings as well as media coverage in the reporting period.

To this end jointly with Konrad Adenauer Foundation and partner organizations, the conferences titled “Relevant issues of Ombudswoman’s collaboration with government bodies and non-government organizations in 7 regions (Bukhara, Kashkadarya, Namangan, Samarkand, Khorezm, Tashkent oblast, and Republic of Karakalpakstan); “Improving Penitentiary Systems in Arranging Supervision and Observance of Convicts ‘ Rights” in three oblasts (city of Tashkent, Navoi and Tashkent oblasts). Administrators and representatives of oblast khokimiats, judicial and law enforcement bodies, non-government organizations participated at these conferences, where practical issues of cooperation in handling citizens’ complaints were discussed and relevant international experiences were reviewed.

In 2006 Ombudswoman’s regional representatives continued the practice of collaborating with parliamentary committees in their oversight activities locally. Ombudswoman’s regional representatives in Andijan, Namangan, and Ferghana oblasts participated in the review of compliance with UN Convention on Child’s Rights held jointly with the Committee on Foreign Policy of the Senate of Oliy Majlis of the Republic of Uzbekistan.

In the reporting year thanks to the assistance of local authorities the activities of Ombudswoman’s regional representatives in handling citizens’ complaints featured increased effectiveness and stronger cooperation with local authorities, non-government organizations, civil self-governance institutions, and the media in promoting and protecting human rights.

Ombudswoman's regional representatives jointly with the members of expert groups always keep awareness-raising efforts in human rights under focus. Efforts to inform the government bodies, particularly courts and law enforcement bodies, public organizations, civil self-governance institutions, academic institutions, companies and institutions, and communities of human rights legislations, including abolition of death penalty, transferring the power to issue arrest warrants to the courts, and activities of the Ombudswoman and her local representatives were continued in the reporting period. Workshops, roundtables, meetings and discussions as well as practical exercises were held to this end.

Ombudswoman's regional representatives particularly focused on cooperation with the local media, and in its framework they regularly spoke on local television and radio, periodically published reports on the efforts to protect citizens' rights in the local press (Andijonoma, Buxoro Haqiqati, Vecherniy Tashkent, Toshkent Oqshomi, Farg'ona Haqiqati, Xorazm Haqiqati, etc. and Internet). Notably inclusion of the media representatives in the expert groups of regional representatives facilitated timely coverage of the information related to compliance with human rights. For broad awareness raising purposes, it is expedient to consider the option to publish the reports of Ombudswoman's regional representatives in the local media.

Yet there are certain difficulties and problems. This is primarily the misunderstanding of Ombudswoman's functions by some officials of local authorities, court, and law enforcement bodies, which requires improved awareness raising efforts. Besides, according to Article 20 of the Law on the Authorized Person for Human Rights, it is essential to address the issue of approving the membership and Statute of the Commission for Compliance with Constitutional Human Rights and Freedoms by the Kengashs (Councils) of the Legislative Chamber and Senate of Oliy Majlis of the Republic of Uzbekistan. Addressing the issues of material and financial support will also facilitate greater effectiveness of Ombudswoman's regional representatives.

IV. Cooperation with Government Institutions and Public Sector

The Institute of the Authorized Person for Human Rights of Uzbekistan, actively cooperating with the bodies and institutions of all government branches and public sector is fostering its activities in the certain dimensions.

The relations with various parliamentary institutions featured new qualities in the second year of bicameral Oliy Majlis of the Republic of Uzbekistan. Regular consultations with chambers' management were dedicated to the discussion of issues set by the president in the fifth plenary meeting of parliament's upper chamber, ways of implementation, joint actions of the committees of the Senate and Legislative Chamber with the Authorized Person for Human Rights in implementing oversight functions, etc.

Implementing collaboration with both chambers of Oliy Majlis of the Republic of Uzbekistan, the Authorized Person for Human Rights held a roundtable titled *Parliament and Ombudsman: practice of cooperating with the committees* by inviting the experts of **Strategy Center** (Saint-Petersburg, Russia) with involvement of MPs and senators as well as representatives of national partner organizations of the Parliamentary Ombudsman of Uzbekistan and members of its public units. The representatives of Ombudsman's institution also participated in the following activities of parliamentary committees: scientific conference titled "Legal Underpinning of Charity in the Republic of Uzbekistan"; "Role of the Senate of Oliy Majlis of the Republic of Uzbekistan, Councils of People's Deputies and local self-governance institutions in resolving regional issues; the scientific workshops titled "Legal Underpinning of Elections of Civil Self-

governance Bodies; workshops on implementation of international standards to implement child's rights in the legislation of the Republic of Uzbekistan; implementation of UN Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment and Punishment in the case of Tashkent oblast; meeting for implementation of the Law on Individual Complaints in the case of Andijan and Ferghana oblasts, etc.

Efforts to enhance cooperation with various government and public institutions both in contractual terms and based on the principles of social partnership were continued. Conducting joint studies, oversight functions, awareness-raising efforts among population, and joint activities have become a regular practice (Annex 2).

Meetings with the Ministry of Justice were dedicated to the discussion of implementation of the Memorandum between the Ministry of Justice of the Republic of Uzbekistan, and particular focus was given to implementation of agreed activities for raising human rights awareness of the public, local government officials, NGO representatives; developing proposals to improve legislation and law enforcement practices to promote human rights and freedoms, conduct monitoring of compliance with human rights legislation, activities of joints groups among regional representatives of the Authorized Person for Human Rights and oblast justice bodies in order to facilitate achievement of practical objective in promoting human rights and freedoms. In practice this was implemented by arranging joint workshops, trainings, and monitoring of various categories of the rights of Uzbek citizens including holding of the roundtable on "From Legal Consciousness towards Legal Culture" and conference on "Constitutional Guarantees of Personal Security", etc.

The issues discussed with Mr. F. Nazirov, minister of health of the Republic of Uzbekistan, included the coordination of the Authorized Person for Human Rights's actions and healthcare institutions in safeguarding patients' rights, conducting joint events and instituting ombudsmen for patients' rights at a number of healthcare institutions nationwide (Republican Children's Psychoneurological Hospital in the city of Tashkent, Samarkand branch of the Republican Center of Emergency Medical Assistance, and maternal hospital in Andijan city), publications; holding awareness raising sessions for health service providers; jointly conducting meetings with the public and the media in the court of the meetings between the Ombudswoman and Mr. F. Nazirov, Minister of Health of the Republic of Uzbekistan.

Implementation of the Partnership Agreement between Parliamentary Ombudswoman and the Ministry of Internal Affairs of the Republic of Uzbekistan designed to maintain public order, plans and joint activities were discussed between the Ombudswoman and Mr. A. Shodiev, deputy minister and Head of Department of Corrections. The activities planned to exercise parliamentary oversight of compliance with convicts' rights as well as the rights of the prison staff, proposals and measures to improve legislation, conducting monitoring and training workshops were discussed. In the framework of implementation of the Agreement, a series of workshops under the subject of "Improving Penitentiary System in Supervision and Compliance with Convicts' Rights" were started with involvement of prison staff of these oblasts. In the course of workshops in Navoi and Tashkent oblasts convicts' rights as well as the rights of the persons in the detention center of the Corrections Department were monitored.

The Authorized Person for Human Rights and the head of the office of Konrad Adenauer Foundation in Central Asia, Kazakhstan and South Caucasus and accompanying persons held meetings with the staff and different categories and groups of persons in the penitentiary institutions.

In the reporting period, the Ombudswoman visited correctional institutions in Karakalpakstan, Bukhara, Namangan and Kashkadarya oblasts in order to meet various categories of detainees

and defendants; to review the conditions of their detention; health services; employment and training, while special focus was on underage detainees and women.

The Ombudswoman has been cooperating with the National Center for Human Rights of the Republic of Uzbekistan since its establishment up to now in holding joint roundtable, workshops, studies, and participating in preparation of National Reports on International Commitments of the Republic of Uzbekistan. In 2006 the Ombudswoman and her staff participated in presentation of UN Convention on Child's Rights in Uzbek, the compilation on human dimension, training on Preparation of National Reports on Fulfillment of International Human Rights Instruments, a roundtable on Judicial Reforms and Public Opinion, scientific workshop on transferring the power to issue arrest warrants to the courts and defending human rights in the criminal investigation process and other activities successfully implemented by the National Center for Human Rights of Uzbekistan.

The cooperation with the Institute for Monitoring Current Legislation under the President of the Republic of Uzbekistan is actively underway. The Ombudswoman or his representatives participated nearly at all events that they conducted including the workshop on "Promoting Implementation of International Standards in National Legislation", roundtables on Local Authorities, Development Issues of Civil Society Institutions focused on Human Rights Protection, "Monitoring of Existing Legislation: Theory and Practice", "On Guarantees of Entrepreneurial Activities", conference on "Implementation of International Law in National Legislations", etc.

Aforementioned monitoring programs where government officials and public representatives were involved in working groups may serve as an example of fruitful cooperation with various institutions and structures

Monitoring of compliance with homeowners rights through review of the PHOC activities was conducted with involvement of the officials from local authorities, State Committee for Demonopolization and Fostering Competition, civil self-governance bodies, PHOC Associations and Federation of Consumer Rights Societies initially within Yakkasaray district of Tashkent city with the intention to go nationwide later.

Review of compliance with women's labor rights at Uzbekengilsanoat companies in the Ferghana valley was held with involvement of the representatives of the Council of Trade unions' Federation, Women's Committee of Uzbekistan, Ministry of Justice, Ministry of Health, Ministry of Labor and Public Welfare and Prosecutor General's Office of Uzbekistan.

Joint educational and research efforts with universities and special institutions including Tashkent State Institute of Law, Institute of Civil Society Studies and Fund for Regional Policy were continued. The following conferences were held jointly with them: "Organizational and Legal Aspects of Abolition of Death Penalty"; "Constitution – Underpinning of State and Public Reforms"; "A Woman and Society"; workshop on "Guarantees of Human Rights and Freedoms in Criminal Process"; workshop for the staff and activists of Uzbekistan's political parties; roundtable on "Current State and Prospects for Development of Democratic Institutions".

Given rising role of the political parties in nation-building and public administration, the Ombudswoman being in the neutral position to the programme objectives of all political forces, nevertheless started cooperation in promoting human rights not only with their fractions in the Legislative Chamber by providing them reports on the activities but also actively participating at the workshops such as "Legal Grounds for Activities of the Local Councils of People's Deputies" in a number of oblasts for administrators and activists of local groups of People's

Democratic Party of Uzbekistan, at the events held by the Liberal Democratic Party of Uzbekistan, Milliy Tiklanish Democratic Party and Adolat Social-Democratic Party.

Similar to the previous years, the Ombudswoman is actively cooperating with the public sector participating in the work of their collegium bodies (caucuses, plenums, and presidiums of the Council of the Federation of Uzbekistan's Trade Unions, Mahalla Foundation, Red Crescent Society, etc.), forums, and roundtables (Sel Yolgiz Emassan Foundation and Bolalar Foundation, in the international forum on Reforms in the Child Welfare System and roundtable on Promoting Child's Rights).

Training of national experts for implementation, reporting, and monitoring of international conventions on women has been continued jointly with non-government organizations, Center for Support of Civil Initiatives and Institute of Democracy and Human Rights with involvement of the National Center for Human Rights of Uzbekistan, and Women's Committee of Uzbekistan.

In building a civil society the collaboration with the media – its elements and a tool for shaping public opinion is particularly important. Traditionally all events hosted by the Authorized Person for Human Rights are held with the representatives of print and electronic media. The Ombudswoman is trying to go in unison with time by utilizing modern technologies: the last publication – compilation of “World's Ombudsmen” was complemented by its CD version and uploaded on an Internet site enabling it to become a part of online laboratories of the universities and research institutions; with support of the office of Konrad Adenauer Foundation preparation for development of a video film on activities of the Authorized Person for Human Rights in 11 years of its existence has been started.

V. Awareness-raising Activities

Enhancing the standards of legal awareness of all population groups including the officials through legal awareness raising and propaganda takes up a significant place in the efforts of the Institution of the Parliamentary Ombudswoman.

Enhancing legal culture in the society has been a pressing matter throughout the whole period of building a democratic governance and civil society in Uzbekistan. Hence, this dimension of Ombudswoman's activities remained among priorities, which were implemented both through arranging own events and participating at the awareness –raising activities hosted by parliament's chambers and national partners, publication and dissemination of human rights literature and materials as well as statements in the print and electronic media.

Undertaking across-the-board awareness raising efforts in the domain of human rights, the Authorized Person for Human Rights held educational and awareness-raising activities in the reporting year (*Annex 3*).

Focusing on legal awareness, the Ombudswoman linked it to other forms of his activities: regular field meetings, visits to collective workplaces; conducting monitoring and events; inquiries into specific complaints; meetings with the representatives of partner organizations; law enforcement institutions, etc. In the course of this communication, functions and measures of influence by the Ombudswoman, forms and methods of safeguarding human rights and newly adopted regulations as well as changes and amendments in the existing national legislation.

In order to draw attention and orientation of newly elected MPs and Senators in the Authorized Person for Human Rights' activities, the workshop on the following subject was held in February of the reporting year: "Parliament and Ombudswoman: practice of cooperation with the committees" arranged jointly with the Committee of the Lower Chamber of the Parliament on Democratic Institutions, Non-government Organizations, and Civil Self-governance Institutions and Ombudswoman arranged jointly with the Committee on Democratic Institutions, Non-government Organizations, and Civil Self-governance Institutions and Ombudswoman who has invited experts from Saint-Petersburg. As noted in the presentations by Mr. Akmal Saidov, the chairman of the aforementioned Committee of the Legislative Chamber; by Mr. Sodyk Safaev – chairman of the Senate Committee on Foreign Policy; Ms. S.Rashidova – Ombudswoman and A.Sungurov the president of Strategy Center, as well as the senators and MPs who spoke in the debates, the Authorized Person for Human Rights' activities have particular significance amid enhancement of democratization and liberalization processes in the country; reforms of the institutions of national statehood; further improvement of legislation; development of democratic institutions; active involvement of the public sector and media in the processes of building a civil society; countering terrorism, fundamentalism, and other challenges to the democratic development.

This conclusion could be made based on the realities of development of national legislation, domestic and Russian experience and practice and the extent of cooperation among human rights institutions in Uzbekistan.

Particularly notable is the important role of field workshops and conferences on the following subjects in enhancing legal culture of the government officials: "Relevant Issues of Ombudswoman's Collaboration with Government Institutions and Non-government Organizations in Promoting and Protecting Human Rights" and "Improving the Penitentiary System in Oversight and Compliance with Convicts Rights" held in 2006 to celebrate 10th anniversary of establishment of the parliamentary Ombudsman' institution jointly with national partners and office of Konrad Adenauer Foundation in Central Asia, Kazakhstan and South Caucasus.

Meetings of the Ombudswoman with workers and students facilitate public awareness-raising. In the reporting period Ombudswoman held a meeting in Bukhara with the students of Mir-Arab madrasah most well-known in Central Asia; the Ombudswoman held a meeting in Urgench with the students and faculty of Urgench State University; the Authorized Person for Human Rights held a meeting with the staff of Samarkand branch of Republican Center of Emergency Medical Assistance; meetings with the managements and workers of Gairat agricultural cooperative in Namangan district of Namangan oblast were held; scholars and teachers of Namangan State University; meeting with scholarly community at Karakalpak Unit of the Academy of Sciences of Uzbekistan was dedicated to the objectives set by the president in science reforms; holding fifteenth anniversary of country's independence; a meeting was held in one of the units in the Northwest District of Armed Forces of the Republic of Uzbekistan located in Nukus city; Orphanage #1 in Khojeyli district was visited when material and logistical supply, organizational work and education of the children was reviewed. The Ombudswoman distributed gifts and souvenirs among the children enrolled at this institution. In the course of the meeting, information on Ombudswoman's activities, Cooperation Agreements made with foreign partners, government bodies and public sector envisaging to uphold the rights and freedoms of the Uzbek citizens in close collaboration.

Understanding the nature of the Authorized Person for Human Rights' activities and interest to further democratization of public relations enabled to mobilize both national partners and efforts of international organizations in addressing its tasks.

Understanding the competence and nature of the Authorized Person for Human Rights' activities enabled to develop and implement Capacity building for National Human Rights Institutions Project of United Nations Development Programme. In this regard, the project provided technical support to 8 offices of regional representatives by supplying computer equipment with Internet connection, training their staff to use them, which will enable to create a local area network of the Authorized Person for Human Rights in future where not only a single database but also exchange of information and awareness raising on various issues of human rights can be established. The members of expert groups and volunteers of the regional representatives have been trained at the resource center of UNDP office in Tashkent under this programme. Legal awareness-raising as a significant element of providing accessible is a priority in the activities of the Ombudswoman's regional representatives. Notably in preparation of this report most information on incoming complaints on regional representatives came through email and use of this equipment.

The Ombudswoman started an active cooperation with the *Strategy* Center (Saint-Petersburg, Russia) with support of OSCE Center in Tashkent; arranged a series of trainings on PR-campaigns and public legal awareness; monitoring of promotion of different categories of human rights for activities and new regional representatives of the Authorized Person for Human Rights and partner institutions. Enhanced cooperation of law enforcement bodies in the framework of partnerly relations between Uzbekistan and Russia enable to optimally use and seek new forms and mechanisms for protection of constitutional human rights and freedoms, foster stable working relations between regional representatives of the Ombudswoman and Ombudsmen of the subjects of the Russian Federation.

The trainings held by the staff of Ombudswoman's office, staff of Human Rights Department of the Ministry of Justice of the Republic of Uzbekistan and Ministry of Internal Affairs of the Republic of Uzbekistan in a number of areas demonstrated new opportunities for resolution of the issues related to human rights protection; impact on officials of various levels to ensure legitimate interests; improved performance effectiveness of the Authorized Person for Human Rights.

The Academy of Public Administration under the President of the Republic of Uzbekistan is a recognized educational and research institution for training managers for government institutions and bodies. In May 2006 a course on implementing government policy to maintain legitimate interests of the citizens and functioning of the system of extrajudicial protection of human rights was held in the Legislative Chamber of the parliament for the students of the Academy by the Ombudswoman.

Notably, the Ombudswoman has been actively collaborating with academic institutions in enhancing public legal culture from the very first days of its existence.

Holding classes for the students of Tashkent Islamic University, Tashkent State Law Institute, University of World Economy and Diplomacy, and the meetings at special academic institutions has become a good tradition.

Women make up more than the half of population in Uzbekistan like in absolute majority of countries in the world, and their involvement in decision-making processes, economic development, and harmonization of social dimension are most important components of society's sustainable shift towards legitimate governance. Taking into account the prioritized nature of protection of socially vulnerable groups of population including women in Ombudswoman's activities, a training workshop conducted by the Authorized Person for Human

Rights and Women's Committee of Uzbekistan was developed jointly with non-government non-profit organizations, Center for Support of Civil Initiatives, and Institute of Democracy and Human Rights for the purposes of training national experts on equal rights and opportunities for men and women among the activists of women's organizations in Uzbekistan by inviting trainers from the Russian Federation.

In the reporting year, the Authorized Person for Human Rights, his staff and Ombudswoman's foreign partners held meetings at the Center to Enhance Legitimacy and Improve Qualifications of Prosecutorial Staff under Prosecutor General, the Center for Improving Lawyers' Skills of Ministry of Justice, the training center of Main Department of Corrections of Uzbekistan where information of Ombudswoman's and parliament's activities, as well as of other national human rights institutions were presented. About 80 hours of lectures were delivered and practical exercises on human rights and means for their protection were held by the staff of the Ombudswoman's Secretariat for the staff of national, oblast, and district Councils, activities of primary trade unions as well as administrators of district and city councils of the citizens of Andijan oblast at the training center of the Council of Federation of Uzbekistan's Trade Unions.

Presentations of the representatives of Ombudswoman on legal subjects at law enforcement institutions, departments of Ipoteka bank, healthcare institutions and educational institutions, companies, and mahallas have become a regular practice.

Popularity of Ombudswoman among the youth is growing by every year and increasingly more students are expressing willingness to undergo internship at her Secretariat and offices of regional representatives. The students of the University of World Economy and Diplomacy and Tashkent State Law Institute, Tashkent College of Law held their practical classes in the central office in 2006. Furthermore, Ombudswoman has provided comments on 2 post-doctoral and 3 Ph.D. dissertations, and 4 Master's theses.

The ombudsmen of the higher educational institutions who are conducting awareness raising activities for the faculty and students, handling complaints, holding workshops, meetings, and lectures on human rights have been helpful in awareness raising efforts among the youth. There is a probability that in the nearest future their number will increase by establishment of these bodies at the universities in Ferghana, Karshi, and Andijan. Regional representative of the Authorized Person for Human Rights in Khorezm oblast made cooperation agreement with Urgench State University, which will facilitate setting up an office of ombudsman at this university.

A compilation titled "World's Ombudsmen" prepared by the Authorized Person for Human Rights and published by the state research printing house - *O'zbekiston Milliy Ensiklopediyasi* with support of OSCE Project Coordinator in Uzbekistan and designed to improve knowledge related to constitutional human rights and freedoms, facilitate further expansion of contacts with international and human rights organizations, advanced legal awareness of population and upbringing of the youth was presented on the eve of the 14th anniversary of adoption of the Constitution of the Republic of Uzbekistan. Adopting progressive methods of engagement – use of cutting edge IT, a CD version of the book was prepared enabling to place it at the website (www.ombudsman.gov.uz) of the Authorized Person for Human Rights recovered with support of Uzbek Agency for Communications and Information (in addition, records on Ombudswoman's activities, promotion and protection of human rights in Uzbekistan are placed there) and transfer to the electronic libraries of the universities.

This compilation includes the materials of Ombudsmen, scholars, and practitioners from more than 20 European countries (Azerbaijan, Belgium, Bulgaria, Hungary, U.K., Denmark, Spain,

Lithuania, Poland, Portugal, Netherlands, Czech Republic, Slovakia, Slovenia, Sweden, Estonia), North and South America (U.S.A., Canada, Mexico, Argentina), Australia, and Uzbek experience reflecting main stages of evolution of the Authorized Person for Human Rights' institution, activities of its regional representatives, cooperation with courts and law enforcement bodies, foreign colleagues and protection of patients' rights at medical institutions.

The publication is meant for civil servants, judicial and law enforcement officers, non-government non-profit organizations, and teachers, graduate students, students of educational institutions, and everyone interested in human rights and ombudsman's activities.

The representatives of the Authorized Person for Human Rights have actively participated in legal awareness-raising activities (conference, workshops, and roundtable) of the parliament's chambers, their partners, and cooperating organizations.

The Ombudsman's cooperation with the media as an essential attribute of his activities also got its boost. The press and electronic media provided coverage for virtually all activities held by the Ombudsman. Materials on Ombudswoman's activities were published in national newspapers such as *Khalq So'zi - Narodnoye Slovo*, *Pravda Vostoka*, *Postda - Na postu*, *Vremya - Vaqt*, *Toshkent Oqshomi - Vecherniy Tashkent*, *Novosti Uzbekistana*, *Inson va Qonun*, *Huquq*, *Ishonch - Doveriye*, and regional press; *Democratization and Human Rights Journal*; *Vestnik Konstitutsionnogo suda*, *Xalq ta'limi*; websites of UZA Information Agency, *Jahon*, *Uzreport*; aired on national channels, local TV companies and radio.

Being a co-founder of *Democratization and Human Rights* magazine, Ombudswoman has the opportunity to facilitate legal awareness raising and public culture through this periodical.

The Authorized Person for Human Rights is making efforts to expand the list of the partners for purposes of public legal information and awareness-raising including planned publication of the compilation on Human Rights Protection and video film on Ombudswoman's activities in 2007 with the support of Konrad Adenauer Foundation, the Office in Central Asia, Kazakhstan, and South Caucasus.

VI. International Cooperation in Human Rights

In 2006 Ombudswoman's international cooperation activities were focused on enhancing the contacts with the ombudsmen abroad, international human rights organizations, arranging meetings and receptions of foreign delegations, and Ombudswoman's participation in international human rights forums, handling requests by international human rights organizations, foreign ombudsmen, and foreign citizens in human rights-related affairs.

Human rights-related international cooperation of Ombudswoman is designed to inform international community of the processes of deepening democratic reforms in Uzbekistan, development of bilateral and multilateral contacts of the Authorized Person for Human Rights with ombudsmen and foreign human rights institutions (*Annex 4*).

In the reporting year the Authorized Person for Human Rights held around 30 meetings with the representatives of foreign countries and international organizations namely the OSCE, the European Union, German Bundestag, Authorized Person for Human Rights and Humanitarian Assistance of the Federal Government of Germany, and chairman of the Landtag in Turingia, Ombudsman of Basel canton (Switzerland), ambassadors of the U.S., Poland, Pakistan in Uzbekistan, OSCE Project Coordinator in Uzbekistan, representatives of the Fund named after Konrad Adenauer, embassies of Canada, Japan, University of London, etc.

Cooperation with International Ombudsman's Institute is significant in the framework of reinforcing external contacts of Ombudswoman. In 2006 contacts with IOI were maintained via regular exchange of information, materials, and literature on Ombudsman's institution. An article on activities of Uzbek Ombudswoman was published in December issue of IOI Newsletter (IOI Newsletter December 2006, Vol. 28, N. 4).

In 2006 cooperation with the European Ombudsman Institute (EOI) was significantly beefed up. Annual report and materials of the Uzbek Ombudswoman were sent to the EOI and thematic studies on various aspects of the activities of the ombudsmen in the European countries were received in turn. In December 2006 the delegation of Uzbek Ombudswoman visited EOI and met with N. Schwartzler, its executive director. The delegation was informed of EOI's goals and objectives and its main activities in promoting the concept of Ombudsman in Europe. Mr. N. Schwartzler expressed interest in the plans to set up specialized ombudsmen in Uzbekistan and readiness of EOI to be involved in screening of the draft statute on ombudsman for convicts' rights.

Collaboration with overseas ombudsmen and human rights institutions continued in the reporting year. The Ombudswoman signed 6 cooperation agreements with the ombudsmen of Poland, Sweden, Azerbaijan, Latvia, Russia, and Slovakia so far.

In order to protect the rights and lawful interests of Uzbek citizens abroad, the Ombudswoman actively used the agreements made with foreign colleagues. To this end, the Ombudswoman forwarded complaints and petitions to the Ombudsman of the Russian Federation, the Authorized Person for Human Rights in Sverdlovsk oblast of the Russian Federation, and the Authorized Person for Human Rights in the Republic of Kazakhstan.

In order to implement the Cooperation Agreement with the Public Rights Defender, the delegation of Uzbek Ombudsman visited Slovakia in December 2006. Meetings were held in the parliament, Ministry of Interior, Ministry of Justice, Prosecutor General's office in the visit and the delegation was informed of the composition of these bodies, activities to promote citizens' rights, and cooperation with Public Rights Defender. Furthermore, a penitentiary institution and municipality of Velke Dvorniki village was visited.

In the office of Dr. P. Kandrach, the Public Defender, the delegation was informed of its activities, competence, and powers. The powers of the Ombudsman include government bodies, local self-governance bodies, legal entities and individuals in the domain of public management. Dr. P.Kandrach, Public Rights Defender highly praised the cooperation with the Uzbek ombudswoman and made proposals to enhance contacts by arranging joint activities.

A typical feature in developing international contacts of the Authorized Person for Human Rights is her participation in implementation of the activities adopted by the resolution of the Government of the Republic of Uzbekistan in order to improve cooperation with the European Union including development of contacts with the ombudsman institutions of the European Union.

A delegation of the Ombudswoman visited Austria in the reporting year in order to learn about the activities of Ombudsmen and special ombudsmen's offices, review their experience of collaboration with government bodies in human rights, and discuss the issues of bilateral cooperation. In the course of the visit, meetings were held in the Austrian parliament, Ministries of Interior, Justice, Administrative court, offices of parliamentary ombudsmen, ombudsmen for

patients' rights, for children, and regional ombudsman of Tirole land, and a penitentiary institution in Vienna was visited.

In the meeting at the Committee on Ombudsman's Affairs of the National Parliament of Austria it was noted that this committee was set up in November 2006 after parliamentary elections and was designed to enhance collaboration of the Ombudsman with the lower chamber. Delegation members participated in the meeting of Bundesrat (upper chamber) of Austrian Parliament where annual reports of Austrian Ombudsmen were reviewed. Broad information on activities and composition of the institution was received in the meeting at the office of Austrian Ombudsmen. Ombudsmen's area of competence includes all levels of federal government, regional and local bodies of seven federal lands.

The city of Innsbruck was visited in order to review the experience of a regional Ombudsman. Only 2 (Foralberg and Tyrol) of 9 federal lands of Austria have own Ombudsmen. J. Hauser, ombudsman of the Tyrol land told about his activities, legal status of the institution, and collaboration with local land bodies.

In the meeting with the Ombudsman for children's rights, the delegation was informed of the system for protection of children's rights in Austria. According to the Act of Youth Welfare adopted in 1989, children's ombudsmen were instituted in every land, which had their own legislation, composition, powers, and responsibilities. In 1991 the institute of federal children's ombudsman was established in the framework of the Ministry of Environment, Youth and Family. Main objective of the Ombudsman is oversight of compliance with the Convention on Child's Rights and Austrian legislation.

The cooperation with UN institutions including UN High Commissioner for Human Rights (UNHCHR), UNDP, UNICEF, and WHO office were continued in the reporting period. The cooperation with UN bodies took the form of assistance in screening legislation, exchange of materials and analytical data, human rights related literature, and participation in international conferences and workshops.

In October 2006 the Authorized Person for Human Rights participated at the 61st session of the UN General Assembly in New York. In the course of the meetings with the representatives of Member-Nations and participation in the work of the Third Committee of UN GA, the Ombudswoman reported on the activities to safeguard human rights and freedoms, democratization processes in Uzbekistan, and measures to implement judicial and legal reforms.

An international roundtable titled "Role of National Human Rights Institutions in the Activities of Treaty Bodies" arranged by the German and Danish Human Rights Institutes and UN High Commissioner for Human Rights was held in Berlin on November 22-23, 2006. The administration and representatives of national human rights institutions of the European countries (Albania, Bosnia-Herzegovina, Germany, Denmark, Ireland, Cyprus, Romania, Norway, Netherlands, North Ireland, and France), Asia (East Timor), Africa (Kenya, Nigeria, Rwanda, Senegal, Uganda, SAR), Latin America (Argentina, Guatemala, Mexico), CIS countries (Azerbaijan, Armenia, Ukraine, Uzbekistan) and members of UN treaty committee and staff of the UN High Commissioner for Human Rights attended the roundtable.

The objective of the roundtable was to develop guiding principles of cooperation between national institutions and treaty committees. Major reports were heard with this objective along with practical discussions of the subject of presentations. Notably in the recent decades the international community recognized national institutions as the mechanisms for promoting and effectively implementing international human rights standards on national level. The

participants of the roundtable presented the national practice of cooperation with treaty bodies including the review of national reports of the countries, consideration of individual reports, implementation of the recommendations of the treaty bodies, and informing MPs on compliance with international human rights commitments.

With support of the Embassy of Uzbekistan in Germany, a meeting was held in the office of the Ombudsman for Military Affairs where proposals to enhance bilateral contacts between the ombudsmen of two countries were voiced.

On November 18-22, 2006, the 7th roundtable of the ombudsmen of the Eastern European and CIS countries arranged by UNDP Regional Office in Bratislava was held in Karlovy Vary (Czech Republic). The delegations of ombudsmen from Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, and Uzbekistan as well as international experts attended the round table. The subjects of the roundtable were dedicated to the consideration of discrimination cases, strategic planning for ombudsmen, relation between ombudsmen and public security agencies. Along with six sessions discussions in working groups were held, and Uzbek Ombudsman facilitated one of them. The Authorized Person for Human Rights of Oliy Majlis of Uzbekistan conveyed to the participants of the roundtable the information on the activities to promote and protect the rights and freedoms of the citizens in Uzbekistan.

The Authorized Person for Human Rights talked to the ombudsmen of Russia, Armenia, Kazakhstan, Latvia, Lithuania, and Moldova on prospective cooperation in the course of the roundtable. Practical guidelines on improving the performance of the ombudsmen and their staff, skills of optimal planning teamwork, more effective collaboration with government institutions and non-government non-profit institutions were received in the roundtable.

On December 3-5, 2006, the Ombudsman attended the roundtable on Gender Equality in Uzbekistan held in European parliament (Brussels, Belgium) as the member of Uzbek delegation. The roundtable consisted of three meetings dedicated to relevant issues of gender equality in Uzbekistan. In the course of the roundtable, the participants received information on the activities of the Ombudswoman in promoting and protecting women's rights and interests in the country.

Ombudswoman's representative attended the first Forum for Protection of Children's Rights in Central Asia namely "System of Social and Legal Protection of Family and Children in Central Asia" in Astana with the objective to create a platform for discussion of the issues of child protection on high political level in Central Asia, set up working mechanisms, adoption of short-term and long-term commitments for children's welfare. The delegations from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, and UNICEF representatives and international organizations attended the forum.

In 2006 the chairman of Turingia Landtag (Germany) and Ombudsman of Basel canton (Switzerland) visited for participation at the conferences on *Urgent Issues of Ombudsman's Collaboration with Government Bodies and Non-government Organizations in Compliance and Protection of Human Rights* in Samarkand and Tashkent.

The cooperation with UNDP in Uzbekistan has been scaled up in the reporting year. Ombudswoman's delegation attended the 7th international roundtable of ombudsmen of European and CIS countries in Karlovy Vary (Czech Republic) and received technical assistance, which helped to equip the offices of Ombudswoman's 8 regional representatives, publish Ombudswoman's report for 2006 in three languages, update Ombudswoman's website,

and support participation of Ombudswoman's representative at an international course on human rights.

OSCE Project Coordinator in Uzbekistan is a permanent international partner of ombudswoman. A workshop for MPs and training workshops for Ombudswoman's regional representatives were held in the framework of Assistance in Development of Ombudsman Institution in Uzbekistan, and a book titled "World's Ombudsmen" was published in Russian, and a study trip for Ombudsman's representatives to the European countries was arranged.

Notably, the implementation of UNDP and OSCE projects facilitated enhancement of the activities of Ombudsman's regional representatives, gaining knowledge and skills of new regional representatives and members of expert groups, and raising public awareness of Ombudswoman's activities.

In the reporting year the Ombudswoman received 45 petitions and requests from overseas colleagues in assisting the redress of violated human rights and freedoms including from the Authorized Person for Human Rights in the Russian Federation, the Authorized Person for Human Rights in Astrakhan, Sverdlovsk, and Smolensk oblasts, Altai and Primorsk krays of the Russian Federation, the Authorized Person for Human Rights of the Supreme Rada of Ukraine, Human Rights Commission under the President of the Republic of Kazakhstan, Ombudsmen of Kyrgyzstan, citizens of Russia, Iran, Kazakhstan, Kyrgyzstan, Korea, Tajikistan, Ukraine, and U.S.A.

The following may be singled out among the complaints: issues related to socioeconomic rights; collection of pension arrears; compensation payment for workplace injuries from Uzbek companies; assistance in receiving essential documents to process and receive pensions and benefits; for naturalization; transfer of foreign national to serve their sentence at the place of residence; discontent with criminal charges pressed and criminal court rulings. The Authorized Person for Human Rights provided tangible assistance in redressing violated rights, indicating the means and forms of protecting human rights. The example of successful cooperation and practical assistance of Ombudswoman in Uzbekistan is reflected in the reports and materials of foreign ombudsmen.

In order to promote further development of business contacts with foreign ombudsmen, priority attention was given to the requests and petitions of foreign colleagues in handling individual complaints.

The Ombudswoman received the request of the Ombudsman in Primorye kray of the Russian Federation with the request for assistance in receiving pension file of Ms. Z.K. to get pension at the new place of residence. Based on audit jointly with the Ministry of Labor and Public Welfare of Uzbekistan, the complainant was sent her pension file.

After review of the request by the Ombudsman of the Kyrgyz Republic for assistance to Mr. M.M. in enforcement of court ruling in Andijan oblast, the bailiffs of Kurgantepa district collected 430,400 soums and paid the complainant.

At the request of the ministries and agencies of the Republic of Uzbekistan, information and materials on practices of the Ombudsmen in Germany, Spain, Latvia, Poland, France, and Finland were prepared. Proposals and comments to the draft National Action Plan for implementation of the recommendations of the UN Committee on Economic, Social, and Cultural Rights were prepared, too.

An oversight mechanism for implementation of the human rights related recommendations of UN chartered bodies and treaty committees have been set up in Uzbekistan. To this end, the government has adopted National Actions Plans for implementation of the recommendations of UN treaty committees and independent experts of the Human Rights Commission, and the Interagency working group for review of human right compliance by the law enforcement bodies has been established. This group includes both representatives of government and law enforcement bodies and national human rights institutions and non-government organizations. The provisions of national action plants are regularly monitored by the working group.

In 2006 UN treaty committees reviewed national reports of Uzbekistan on compliance with the provisions of the Convention on Elimination of All Forms of Racial Discrimination, Convention on Child's Rights, and Convention of Elimination of All Forms of Discrimination Against Women (CEDAW).

The Committee on Elimination of Racial Discrimination, having reviewed the third and fifth periodic reports of Uzbekistan on the 68th sessions in February and March, acknowledged the institutions reforms of the Ombudsman and recommended to improve law enforcement practices and the status of national human rights institutions.

The Committee on Elimination of All Forms of Discrimination against Women reviewed the second and third periodic reports of Uzbekistan on CEDAW on the 36th session of in August 2006, and noted the establishment of the Consultative and Analytical Council set up under the Ombudsman jointly with Women's Committee of Uzbekistan and performing analysis and monitoring of implementation of Convention's provisions.

The Committee on Child's Rights, after the review of the second periodic report of Uzbekistan on the 42nd session in May 2006, recommended to enhance the role of the Ombudswoman by providing adequate human and financial resources according to Paris principles, its accessibility for children and feasibility of establishment of children's Ombudsman based on the draft law on the guarantees of child's rights.

According to the Article 7 of the Law, the Ombudswoman is involved in preparation of annual reports of Uzbekistan in implementing international treaties on human rights and freedoms. This is implemented by submitting the materials and screening of draft national reports based on the review of individual complaints and findings of human rights monitoring and public awareness-raising.

In the reporting year the Ombudswoman participated in preparation and screening of draft National Report on implementation of the provisions of the Convention on Child's Rights, Convention on Elimination of All Forms of Discrimination against Women, preparation of the answers to the questionnaires of the treaty committees as well as preparation and implementation of national action plans to implement the recommendations of UN charter and treaty bodies. The final recommendations adopted by the UN treaty committees after consideration of national reports were regularly discussed in the meetings of the Commission for implementation of Constitutional Human Rights and Freedoms.

The issues of legal status and activities of the Ombudswoman in Uzbekistan remain inadequately researched. There are no studies dedicated to the comprehensive theoretical consideration of the status, competence and prerogatives of this institute. The Ombudswoman has published a compilation of articles titled "World's Ombudsmen" for purposes of information and awareness raising, and as an introduction to the activities of this institution in various countries of the

world. The ombudsmen, scholars, and practitioners from more than 20 countries including Azerbaijan, Australia, Argentina, Belgium, Bulgaria, U.K., Hungary, Denmark, Spain, Canada, Lithuania, Mexico, Poland, Portugal, Netherlands, Czech Republic, the Slovak Republic, Slovenia, U.S.A., Estonia, and Sweden. The publication has been disseminated among international organizations, foreign ombudsmen, and human rights institutions.

In order to promote dissemination of international experience of Ombudsmen's activities and awareness of the forms of international human rights cooperation, the Secretariat of the Ombudswoman has published a series of articles on international practices in protection of human rights, practical activities of the foreign ombudsmen, and special ombudsmen including ombudsmen on children's rights in the press, scientific journals, and compilations.

In the reporting period the focus was on fostering international cooperation of Ombudswoman's regional representatives, which translated into reports in conferences, workshops, and trainings abroad as well as meetings and conversations with the representatives of international and foreign organizations visiting country's areas. The regional representatives of the Ombudswoman in the Ferghana oblast and the Republic of Karakalpakstan were involved at the UNDP-hosted roundtable in Karlovy Vary and the regional representatives in Andijan, Syrdarya, Surkhandarya, and Khorezm oblasts visited Austria and Slovakia on study tour. A regional representative of the Ombudswoman in Samarkand oblast attended the meetings with the mission of the German Bundestag.

The efforts of uploading information and materials onto the websites of information agencies, human rights institutions, and newsletters of Ombudsman institutions were continued in 2006 in order to timely inform international community of the activities of the Uzbek ombudsman. In particular, more than 10 pieces of information were uploaded to the newslines of U.S. Ombudsmen's Association and five pieces of information about the activities of the Ombudswoman of Uzbekistan were uploaded onto the website of the Forum of National Human Rights Institutions. Publications of Uzbek Ombudsman including the report for Year 2005 and the book titled World's Ombudsmen were circulated among international and human rights organizations, ombudsmen and human rights institutions, and diplomatic corps accredited in Uzbekistan.

Exchange of literature and annual reports with the overseas partners has become a good tradition. In the reporting period, the Ombudsman's library received the materials from IOI, EOI, the Ombudsman of the European Union, UN Ombudsman and the offices of the ombudsmen and human rights institutions of Austria, Azerbaijan, Hungary, Greece, Canada, Kazakhstan, Kyrgyzstan, Korea, Lithuania, Macedonia, Mexico, Moldova, Norway, Slovakia, Russia, Czech Republic, Finland, and other countries.

In 2006 the international cooperation activities of the Uzbek Ombudswoman featured expansion and strengthening of contacts with foreign colleagues both bilaterally and in the framework of international organizations.

Nevertheless, it appears that it is essential to scale up the cooperation between the Ombudswoman and International Steering Committee of the National Human Rights Institutions, the activities in the framework of the European regional unit of IOI, and bilateral cooperation with foreign ombudsmen.

In order to enhance awareness of the members of UN treaty committees, it is essential to enhance regular dialogue with these committees by providing them Ombudswoman's annual reports and materials, participating in pre-session meetings of the Council on Human Rights and UN treaty

committees, and inviting the members of treaty committees to the events dedicated to human rights held by the national human rights institutions of Uzbekistan.

Conclusion

All activities of the Ombudswoman in accordance with his competence and objectives in this stage of development of the state and the society were focused on facilitating general democratization processes. As illustrated in the review of the all aspects of Ombudswoman's activities, there is clear trend towards resolution of the issues related to safeguarding various categories of the rights and implementation of socioeconomic rights. Year 2007 announced by the President as the Year of Welfare certainly gives new impetus in the activities of not only the Ombudswoman but also all government institutions, and facilitates the performance of public institutions whose chartered objectives are to protect the rights and lawful interests of the citizens.

Summing up the activities of the Ombudswoman in Year 2006 one can confidently say that amid administrative reforms the need for the parliamentary supervisor – the Authorized Person for Human Rights of the Oliy Majlis of the Republic of Uzbekistan has become increasingly vital. The words of the president on the official event dedicated to the 14th anniversary of the Constitution of the Republic of Uzbekistan can serve as its proof: “Amid nation-building and public administration, naturally, we ask the questions: to what extent the major principles of democracy are implemented in real life... how human rights and freedoms are established and what should be the subject of attention to improve conformity of the legislation with these requirements”. Despite the flaws in legislation and certain gaps related to regulation of Authorized Person for Human Rights' activities on human rights and her relationship with various government institutions, the Ombudswoman strived to arrange the whole spectrum of issues, as their resolution is supposed to foster further democratization and safeguarding lawful interests of the Uzbek citizens.

Eleven years of the activities of the Ombudswoman reaffirms democratic choice of our nation, priorities in advancing human rights and freedoms, and development of democratic institutions designed to promote public oversight and protection of basic human rights.

The process of harmonization of the activities of Oliy Majlis favorably influenced Ombudswoman's interaction with parliamentary bodies, undertaking monitoring missions, his control functions, and implementation stages of Concept for realization of reforms in governance, enhancing the role and influence of the legislative power.

Unique institution of Ombudswoman's regional representatives requires special support and attention, while the experience in addressing local human rights issues and collaboration with local government bodies show that new Ombudsmen in near and far abroad who are reviewing and studying the Uzbek experience are starting to follow these models.

Balanced position of the Parliamentary Ombudsman formulated according to own concepts of practical collaboration with government bodies including courts and law enforcement bodies, non-government institutions and the media complementing the current legislation on the Ombudswoman enables to address the issues of human rights based on the principle of social partnership.

Nevertheless, the issues of improving national human rights legislation particularly in regulation of human rights protection as an integral element of government policy to uphold constitutional interests of the whole society and its every member. In particular, there are burning issues of

bringing current legislation into conformity with the Law on AUTHORIZED PERSON FOR HUMAN RIGHTS of Republic of Uzbekistan by making changes and amendments in the respective Codes and Laws which clearly lay down and regulate legal relationships of the Ombudswoman (Code of Administrative Liability, Criminal Code, Civil Procedural Code, Criminal Enforcement Code, Law on Constitutional Court, Law on Civil Complaints, etc.) and complement regulatory framework of Ombudswoman's activities in the parliamentary framework (Statutes of the Senate and Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan).

According to the Law on Ombudsman, the Ombudswoman's Secretariat is a legal entity, and the Authorized Person has her seal with the State Symbol of Uzbekistan, which should be reflected in the Statutes of the Legislative Chamber and the Senate, Statutes on the Staff of the Legislative Chamber and Senate of the Republic of Uzbekistan similar to the issues in collaboration of the Secretariat of the Ombudswoman with the Staff of the Legislative Chamber and the Senate of Oliy Majlis of Uzbekistan leading to the necessity of adopting government resolution on improving the activities of the Ombudswoman and her regional representatives.

The Ombudswoman has set the following priorities for Year 2007:

- Facilitating improvement of national legislation, improving legal status and ensuring the effectiveness of the performance of all Ombudsman institutions according to internationally recognized standards;
- Expanding the dimensions and enhancing collaboration with government bodies and various elements of civil society in order to promote human rights based on the principles of partnership and cooperation;
- Enhancing the impact of monitoring of compliance with various categories of human rights, based on which to make proposals to harmonize national legislation and law enforcement as well as improving partnerly contacts with the government institutions;

Main initiatives, efforts, and aspirations of the Ombudswoman are adequate to the current situation, being focused and oriented to ensuring the systemic nature of Ombudswoman's activities, stable state in the government system, and facilitate further democratization and promotion of Uzbekistan towards building law-run society.

The text of the Report of the Authorized Person for Human Rights for 2006 is available at the following website: www.ombudsman.gov.uz

**Draft Laws revised with involvement of the Authorized Person for Human Rights
(Ombudsman)**

№	Draft Law	Committees of the Legislative Chamber of Oliy Majlis	Date
1	On Amendments in the Law on Public Employment of the Republic of Uzbekistan, the Tax Code of the Republic of Uzbekistan, and Housing Code of the Republic of Uzbekistan	Committee on Labor and Public Welfare	March 2006
2	On Amendments in the Article 71 of the Tax Code of the Republic of Uzbekistan	Committee on Budget and Economic Reforms	March 2006
3	On Amendments in the Tax Code of the Republic of Uzbekistan (Article 8)	Committee on Budget and Economic Reforms	March 2006
4	On Tax Counseling	Committee on Budget and Economic Reforms	April 2006
5	Draft Report of the Chamber of Accounts of the Republic of Uzbekistan on its activities in 2005	Committee on Budget and Economic Reforms	May 2006
6	On Microfinance	Committee on Budget and Economic Reforms	May 2006
7	On Amendments in the Article 9 of the Law on Exports Control of the Republic of Uzbekistan	Committee on Budget and Economic Reforms	May 2006
8	On Microcredit Organizations	Committee on Budget and Economic Reforms	May 2006
9	On Changes and Amendments in the Law on Central Bank of the Republic of Uzbekistan after adoption of the Law on Microcredit Organizations of the Republic of Uzbekistan	Committee on Budget and Economic Reforms	June 2006
10	On Changes and Amendments in the Law on Budget of the Republic of Uzbekistan	Committee on Budget and Economic Reforms	October 2006

The Chronology of the events in 2006 with involvement of the Authorized Person for Human Rights (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan

№	Date	Title of the Activity	Hosts
1	6 January	Conference on the Legal Framework of Charity Practices in the Republic of Uzbekistan	Committee on Democratic Institutions, NGOs and Civil Self-governance Bodies of the Legislative Chamber of the Oliy Majlis of Uzbekistan, Central Board of People's Democratic Party of Uzbekistan
2	20 January	Presentation of the UN Convention on Child's Rights	National Center for Human Rights of the Republic of Uzbekistan
3	26 January	Roundtable on Local Authorities	Institute of Monitoring of Current Legislation under the President of Uzbekistan
4	27 January	Workshop in Implementation of International Standards in National Legislation	Senate Committee on Foreign Policy, Institute of Monitoring of Current Legislation under the President of Uzbekistan, Tashkent State Law Institute
5	7 February	Plenum of Mahalla Foundation	Mahalla Foundation
6	7 February	Workshop on the role of the Senate of the Oliy Majlis, Councils of People's Deputies, and Local Self-Governance Institutions in Resolving Regional Issues	Senate Committee on Legislative, Judicial, and Legal Affairs
7	7 February	Meeting of the Constitutional Court of the Republic of Uzbekistan	Constitutional Court of the Republic of Uzbekistan
8	10 February	Roundtable on Promoting Human Rights in Uzbekistan	Ministry of Foreign Affairs of Uzbekistan
9	17 February	Presentation of the Compilation on Human Dimension	National Center for Human Rights of the Republic of Uzbekistan
10	8-11 February	Workshop on Advancing Child's Rights and Juvenile Justice	Bolalar Foundation and UNICEF Office in Uzbekistan
11	15 March	Roundtable on Development of Human Rights-oriented Civil Society Institutes	Institute of Monitoring of Current Legislation under the President of Uzbekistan

12	15 March	Roundtable on Legal Framework of Elections of Civil Self-governance Bodies	Senate Committee on Legislative, Judicial, and Legal Affairs
13	17 March	Scientific Conference titled "Woman and Society"	Civil Society Studies Institute
14	25 March	Scientific and practical conference titled "Organizational and Legal Aspects of Abolition of Death Penalty"	Tashkent State Law Institute
15	20-21 April	Training on Preparation of National Reports on Implementation of Human Rights Agreements	National Center for Human Rights of the Republic of Uzbekistan
16	28 April	Presentation of Huquq va burch (Law and Duty) journal	Institute of Monitoring of Current Legislation under the President, Ministry of Justice of the Republic of Uzbekistan, Prosecutor General of the Republic of Uzbekistan
17	1 May	Roundtable titled "Judicial Reforms and Public Opinion"	National Center for Human Rights of the Republic of Uzbekistan, Ijtimoiy Fikr, Public Survey Center
18	2 May	Meeting of the Constitutional Court of the Republic of Uzbekistan	Constitutional Court of the Republic of Uzbekistan
19	4 May	Roundtable titled "From Legal Awareness to Legal Culture" on implementation of the National Programme for enhancement of public's legal culture	Ministry of Justice of the Republic of Uzbekistan
20	9 June	Workshop on Implementation of International Standards in Safeguarding Child's Rights in the legislation of the Republic of Uzbekistan	Committee on Democratic Institutions, Non-government Organizations, and Civil Self-governance Institutions of the Legislative Chamber of Uzbekistan, National Center for Human Rights of the Republic of Uzbekistan
21	16-18 June	Practical workshop on implementation of UN Convention against Torture and other Cruel, Inhumane or Degrading Treatment in the case of Tashkent oblast	Committee on International Affairs and Interparliamentary Relations of the Legislative Chamber of the Oliy Majlis of Uzbekistan
22	18 August	Conference on Guarantees of the Right for Life and Personal Security	Supreme Court of the Republic of Uzbekistan

23	21 August	Civil Forum titled “15 th anniversary of Uzbekistan’s independence”	Ijtimoiy Fikr, a Public Survey Center, National Center for Human Rights of the Republic of Uzbekistan
24	18 September	Roundtable on discussion of periodic reports of the Republic of Uzbekistan on implementation of the Convention on Elimination of All Forms of Discrimination against Women	Women’s Committee of Uzbekistan
25	18 September	Presidium of the Council of Federation of the Trade Unions of Uzbekistan	Council of Federation of Trade Unions of Uzbekistan
26	19 September	Scientific workshop on “Guarantees of Human Rights and Freedoms in Criminal Process”	Prosecutor General of the Republic of Uzbekistan, Tashkent State Institute of Law
27	29 September	Roundtable on Guarantees of Entrepreneurial Activities	Institute of Monitoring of Current Legislation under the President of Uzbekistan
28	27 October	Conference on Implementation of the Norms of International Law in National Legislation	Institute of Monitoring of Current Legislation under the President of Uzbekistan
29	31 October	Workshop on Transfer of the Power to Issue Arrest Warrants to the Courts and Promoting Human Rights in the Criminal Process	National Center for Human Rights of the Republic of Uzbekistan, UNDP in Uzbekistan
30	13-16 November	A roundtable on Current State and Prospects of Development of Democratic Institutions	Fund for Regional Policy
31	15-16 November	International Forum on Reforms in Child Welfare	Republican Center of Social Adaptation, “Sen yolg’iz emassan” Republican Charity Fund, UNICEF Office in Uzbekistan
32	16 November	Presentation of National Human Development Report for 2006	United Nations Development Programme in Uzbekistan
33	20 November	Meeting of the Constitutional Court of the Republic of Uzbekistan	Constitutional Court of the Republic of Uzbekistan
34	21 November	Workshop for the staff and activists of the political parties in Uzbekistan	Civil Society Studies Institute

35	27 November	Conference on Constitutional Guarantees of Personal Security	Ministry of Justice of the Republic of Uzbekistan, Supreme Court of the Republic of Uzbekistan
36	5 December	Workshop on Legal Framework of the Activities of Local Councils of People's Deputies in Tashkent oblast	Tashkent oblast Council of People's Democratic Party of Uzbekistan
37	5 December	Conference titled "Constitution – the Framework for State and Public Reforms"	Tashkent State Law Institute
38	11 December	Roundtable on implementation of the Convention against Torture	Committee on International Affairs of the Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan, UNDP in Uzbekistan
39	18 December	Conference on safeguarding women's rights	Fraction of Adolat Social Democratic Party of In the Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan
40	22 December	Meeting on implementation of the Law on Civil Complaints in the example of Ferghana and Andijan oblasts and the city of Tashkent	Senate Committee on Legislative, Judicial, and Legal Affairs
41	26 December	Conference for Administrators and Activists of PDPU's local organizations	Central Council of People's Democratic Party of Uzbekistan

**Chronology of major events held by the Authorized Person for Human Rights
(Ombudsman) in Year 2006**

№	Date	Event	Hosts
1	20 February	Workshop on “Parliament and Ombudsman: practices of collaboration with the committees”	Ombudswoman, Committee on Democratic Institutions, NGOs and Civil Self-governance Institutions of the Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan, OSCE Project Coordinator in Uzbekistan, Strategy Center (Russia)
2	21-25 February	Training Workshop on Improving the Performance of Regional Representatives	Ombudswoman, Strategy Center, OSCE Project Coordinator in Uzbekistan
3	27-28 February	Conference on “Urgent Issues of Collaboration between Ombudswoman and Government Institutions and Non-government Organizations in Safeguarding and Promoting Human Rights” in Bukhara	Ombudswoman, Office of Konrad Adenauer Stiftung in Central Asia, Kazakhstan and South Caucasus (FCA)
4	5-7 April	Training for Trainers on Improving the Performance of Regional Representatives	Ombudswoman, Strategy Center, OSCE Project Coordinator in Uzbekistan
5	10-11 April	Conduct training for members of the expert group of the regional representative in Tashkent	Ombudswoman
6	12-13 April	Training Workshop on Equal Rights and Opportunities for Men and Women	Ombudswoman, Women’s Committee of Uzbekistan, Center for Support of Civil Initiatives, Institute of Democracy and Human Rights
7	20 April	Meeting with the Students of Training Courses at Tashkent State Institute of Law	Ombudswoman
8	26-27 April	Conference on Urgent Issues of Collaboration between the Ombudswoman and Government Institutions and NGOs in safeguarding and promoting human rights in Urgench	Ombudswoman, FCA Office
	3 May	Meeting with the students of the Academy of Public Administration under the President of the Republic of Uzbekistan	Ombudswoman
9	23-24 May	Conference on Improving the Penitentiary System in Facilitating Oversight and Observance of Convicts’ Rights in Tashkent	Ombudswoman, FCA Office
10	26 May	Conference on Urgent Issues of Collaboration between the Ombudswoman and Government Institutions and NGOs in safeguarding and promoting human rights in	Ombudswoman, FCA Office

		Samarkand jointly with the Chairman of the Landtag in Turingia	
11	6 June	Holding training workshop for the expert group members of the regional representative in Bukhara oblast	Ombudswoman, OSCE Project Coordinator in Uzbekistan
12	20 June	Holding training workshop for the expert group members of the regional representative in Syrdarya oblast	Ombudswoman, OSCE Project Coordinator in Uzbekistan
13	23 June	Holding training workshop for the expert group members of the regional representative in Navoi oblast	Ombudswoman, OSCE Project Coordinator in Uzbekistan
14	29-30 June	Conference on Urgent Issues of Collaboration between the Ombudswoman and Government Institutions and NGOs in safeguarding and promoting human rights in Namangan	Ombudswoman, FCA Office
15	17-18 August	Conference on Urgent Issues of Collaboration between the Ombudswoman and Government Institutions and NGOs in safeguarding and promoting human rights in Nukus	Ombudswoman, FCA Office
16	5-6 September	Conference on Improving the Penitentiary System in Facilitating Oversight and Observance of Convicts' Rights in Navoi oblast	Ombudswoman, FCA Office
17	1-2 November	Conference on Relevant Issues of Collaboration between the Ombudswoman and Government Institutions and NGOs in Safeguarding and Promoting Human Rights in Karshi	Ombudswoman, FCA Office
18	8 November	Presentation of the compilation "World's Ombudsmen"	Ombudswoman, OSCE Project Coordinator in Uzbekistan
19	28-29 November	Conference on Improving the Penitentiary System in Facilitating Oversight and Observance of Convicts' Rights in Tashkent oblast	Ombudswoman, FCA Office
20	1 December	Holding training workshop for the expert group members of the regional representative in Khorezm oblast	Ombudswoman, OSCE Project Coordinator in Uzbekistan
21	5 December	Holding training workshop for the expert group members of the regional representative in Samarkand oblast	Ombudswoman, OSCE Project Coordinator in Uzbekistan
22	12-13 December	Conference on Relevant Issues of Collaboration between the Ombudswoman and Government Institutions and NGOs in Safeguarding and Promoting Human Rights in Tashkent with involvement of the Ombudsman of Basel canton	Ombudswoman, FCA Office

**International Cooperation Activities of the Authorized Person for Human Rights
(Ombudswoman) of the Oliy Majlis of Uzbekistan in Year 2006**

№	Date	Event
1	22 February	Meeting with Kh.Wegener, the chairman of German-Central Asian group of the German Bundestag
2	28 March	Meeting with M.Orlikovsky, Charge d'Affairs of the Rzech Pospolita in Uzbekistan
3	17 April	Meeting with Lord Salisbury of the Conservative Party of the United Kingdom and Ms. Shirin Akiner, professor of the School of Oriental and African Studies of the University of London
4	18 April	Meeting with H.E. S.Karman, Ambassador Extraordinary and Plenipotentiary of Pakistan in Uzbekistan
5	20 April	Meeting with H.E. John Purnell, Ambassador Extraordinary and Plenipotentiary of the U.S.A.
6	25 April	Participation in the events of the Indian Embassy
7	25 May	Meeting with Dr. Schipansky, the Chairman of the Landtag of Turingia
8	8 June	Meeting with Mr. T.Nooke, Authorized Person for Human Rights and Humanitarian Aid of the Federal Government of Germany
9	9 June	Meeting with a group of CDU/CSU fraction in the German Bundestag
10	19 June	Meeting with the delegation of OSCE ambassadors
11	23 August	Meeting with the mission of EU Troika headed by Mr. A.Turunen, head of department of Finnish MFA
12	4-13 September	Participation of Ombudswoman's representative in the course on International Human Rights Protection held in Poznan, Poland
13	21 September	Meeting with Mr. G.Rissel, the Regional representative of Konrad Adenauer Foundation in Central Asia, Kazakhstan and Caucasus
14	26 September	Meeting with H.E. Khan Meng Suk, Prime Minister of the Republic of Korea
15	3 October	Meeting with Mr. E. Kamura, Charge d'Affairs of the Japan in the Republic of Uzbekistan

16	11 October	Meeting with the mission of the German Bundestag headed by Mr. Kh.Khaybakh, deputy chairman of the Committee on Human Rights and Humanitarian Aid
17	13 October	Meeting with H.E. Miroslav Jenca, OSCE Project Coordinator in Uzbekistan
18	15-29 October	Ombudswoman's participation in the official delegation of Uzbekistan to the 61 st session of UN General Assembly
19	14 November	Meeting with Mr. K. Ivkoff, 2 nd secretary of the Canadian Embassy
20	14 November	Meeting with K. Sodemann, editor of Suedost-Medien-Agentuer (Germany)
21	18-21 November	Participation of Ombudswoman's delegation at the 7 th international roundtable of Ombudsmen of the European and CIS countries in Karlovy Vary
22	23-24 November	Participation of Ombudswoman's representative at the roundtable on the Role of National Human Rights Institutions in the activities of the UN treaty bodies in Berlin
23	3-5 December	Ombudswoman's participation within the delegation of Uzbekistan at the roundtable on Gender Equality in Uzbekistan in Brussels
24	6-7 December	Participation of Ombudswoman's representative in the Forum on Protection of Children's Rights in Central Asia held in Astana
25	12-13 December	Visit of the Ombudswoman to the Basel canton (Switzerland) for participation at the conference on Relevant Issues of Collaboration between the Ombudswoman and Government Institutions and NGOs in Safeguarding and Promoting Human Rights in Tashkent city and Tashkent oblast
26	15 December	Meeting with the delegation of EU experts
27	9-17 December	Study tour of Ombudswoman's delegation to the offices of the Austrian Ombudsman and Public Rights Defender of Slovakia