



## Legal Status And Historical Activity Of The Ombudsman Institute In Ensuring Human Rights In Uzbekistan

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### ABSTRACT

The article describes the history of the formation of the Ombudsman in Uzbekistan, its legal status in ensuring the rights and freedoms of citizens, historical activities, restoration of violated rights of citizens, improvement of legislation, authority and participation in raising legal awareness. It also covers the activities of the Ombudsman's Regional Representatives, the Ombudsman's response to complaints, the investigation of complaints, legal literacy, human rights relations with organizations and officials. The article also highlights one of the most important changes in the life of the renewed Uzbekistan, the activities of the Commissioner for the Protection of the Rights and Legal Interests of Business Entities - "Business Ombudsman", established under the President of the Republic of Uzbekistan.

### KEYWORDS

Ombudsman, citizen, law, rights and freedoms, appeal, complaint, problem, Representative, organization, official, regional, local, foreign, judicial body.

### INTRODUCTION

The institution of the Ombudsman, which has a quarter of a century of history in Uzbekistan, and its activities serve as an important legal

basis for ensuring human rights and freedoms in the country. Its important legal status and the main purpose of its activities in the field of

human rights is to exercise the function of oversight of human rights by the Oliy Majlis, which is the National Parliament. In this sense, this institute is actively involved in the formation of the foundations of national statehood and governance in the country, ensuring the interaction of state and society. As in the developed countries of the world, its main task is to monitor the legislation in the field of human rights, to take an active part in the implementation of public administration to protect the rights and freedoms of citizens, to improve their legal culture. It is noteworthy that in recent years, the issue of human rights in the country has risen to the level of public policy and some of its priorities are reflected in the Action Strategy for the five priority areas of development of the Republic of Uzbekistan in 2017-2021 [1].

## METHODS

The article is based on the methods of objectivity, consistency, historical and comparative analysis, chronological study of historical and social events, reliance on sources and evidence and their validity, which are characteristic of the social sciences and humanities. It was based on the analysis of the legal status of the Ombudsman Institute in Uzbekistan, its historical activities, historical results in the interests of citizens, indicators for assessing their effectiveness, some problems in the field and methodological criteria for determining development priorities.

## RESULTS

The Ombudsman Institute was established in Uzbekistan on February 23, 1995 as one of the first in the CIS.<sup>2</sup> The Ombudsman Institute has gone through a 25-year historical period from its inception to the present day. According to the national legislation of Uzbekistan, the

Authorized Person of the Oliy Majlis for Human Rights (Ombudsman) has a number of powers, which include:

- Consideration of complaints about violated human rights and freedoms, taking measures to restore them (Article 13);
- Increase legal literacy of the population on human rights and freedoms, forms and methods of their protection (Articles 1.13);
- Specify the means and forms that the applicant may use to protect his rights, freedoms and legitimate interests; (Article 14);
- Unimpeded access to human rights organizations and officials (Article 14);
- Request and receive documents, materials and other information from organizations and officials on the protection and enforcement of human rights (Article 14);
- Participation in inspections of organizations and officials on issues related to human rights, freedoms and legitimate interests (Article 14);
- To hold meetings and interviews with a person detained or detained (Article 14) [3];

Based on the historical evolution of the Ombudsman Institute in Uzbekistan and its quarter-century history, the number of appeals since its inception (the total number of appeals in 1995 was only 262) is 40 times higher than in 1995 [4]. In 2009, the total number of appeals increased by 10,409, which showed a growing confidence in the citizens [5]. During this period, the share of complaints in the Ombudsman's receptions also increased, and from 1995 to 1999, the number of citizens' appeals to the Ombudsman's Office was 5,448 (62% of the total appeals) [6]. Of these, 1,114 people applied to the personal receptions organized by the Ombudsman on this issue. 7

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The total number of complaints received by the Member of Parliament was 9889 [8].

Analysis of subsequent historical periods has shown that the full legal framework of the Ombudsman's activities is systematically improved, which is determined by factors such as increased public confidence in the Ombudsman. In particular, out of 9962 appeals received by the Ombudsman in 2008, 5383 were from the regions of the country, 69 from penitentiary institutions, and 2370 were repeated appeals. During the examination of the evidence presented in 1891 appeals, which were controlled by the Ombudsman, 2289 inquiries were sent to various government agencies and organizations on 205 of them. The Ombudsman's Regional Representatives considered 1,146 appeals from citizens.

The growth dynamics of the number of appeals to the Representative is also reflected in the historical activity in 2001-2010. In particular, during these years, the Authorized Person of the Oliy Majlis for Human Rights received 24,904 appeals, an increase of 61% compared to 1995-1999. 13,083 of your applications were received by mail and 11,821 were received during the admission process. Over the years, 4,925 citizens (2,100 through the hotline) have been provided with legal advice and explanations [9]. If we pay attention to the number of appeals controlled and positively resolved by the Ombudsman during this period, we can see that its weight has also increased. During this period, 5,581 appeals (40.4% more than in 1995-1999) were monitored, of which 1,250 were resolved positively [10]. Among the issues raised in the appeals of citizens were violations of labor law, housing legislation and social protection and social security of citizens, complaints to the courts in criminal cases, dissatisfaction with the work of law enforcement agencies.

If we consider this issue in the example of some developed countries of the world, in these countries, too, citizens rely on government or public structures, especially the Ombudsman, in solving important economic, social, environmental and other problems. Studies have shown that in 22 developed countries, an average of 4.9% of the unemployed apply directly to the organization to eliminate unemployment. The figure is 12.4 percent in the Netherlands, 11.5 percent in Ireland, 10.5 percent in Belgium, 9.2 percent in Israel, 7.2 percent in Australia and 6.2 percent in the United Kingdom [11].

In this regard, the representatives of the population living in remote areas of Uzbekistan also preferred to apply to the Central Office of the Ombudsman. For example, in 2011 a total of 11,773 appeals were received, of which 7,712 were to the central office and 979 to the regional representatives [12].

As a result of the growing confidence of citizens in the correct understanding of their rights, they have begun to form the right attitude towards the Ombudsman. In particular, when it comes to numbers, the number of appeals in this regard has increased from year to year. For example, in 2012, the Ombudsman received 12,826 complaints from citizens, of which 7,658 complaints and applications were addressed to the Ombudsman's Central Office, 895 appeals to regional Representatives, and the content of 7,641 complaints were individual complaints. Citizens' appeals on gender indicators were distributed as follows: women's complaints and applications - 3957, male complaints - 3684, and collective complaints – 1460 [13]. In our opinion, the activity of this structure should not only restore the violated rights of citizens, but also to eliminate the causes of the origin of

the rights and freedoms of citizens on the basis of existing laws.

However, according to the Ombudsman's Secretariat, in 2012 the Ombudsman examined more than 30 draft laws developed by the Legislative Chamber of the Oliy Majlis, the Cabinet of Ministers, ministries and departments, as well as civil society institutions [14]. In this regard, in 2011, positive decisions were made on 607 appeals of citizens. This means that the Commissioner for Human Rights conducts parliamentary hearings in the form of consideration of citizens' appeals and exercises general control [15].

If we pay attention to the content of the appeals, we can see that the citizens are appealing for the removal of bureaucratic barriers in various areas, the abolition of many illegal departmental directives, the allocation of bank loans at optimal rates, the elimination of illegal business inspections. In the following historical period, in particular, in 2012, the improvement of laws and regulations on the rights and freedoms of citizens, increased confidence of citizens in the relevant authorities, is also reflected in the classification of appeals. This year, the number of appeals related to personal rights increased compared to previous periods, reaching 4,125, 2,238 complaints on socio-economic rights, 399 complaints on political rights, 21 complaints on environmental issues, and 895 complaints on other issues [16].

It can be seen that in the history of appeals to the Representative and his departments, there was a slight decrease in appeals in 2013. The total number of appeals this year was 11,733, of which 7,712 were received by the central office and 979 by the regional and regional offices of the Ombudsman.<sup>17</sup> Of these, 1, 245 were sent to the relevant authorities and the necessary

proposals for their resolution were given. By type of appeal, 4,230 of them were related to personal rights and 2,343 were related to violation of socio-economic rights. In general, since the establishment of the organization, until 2014, a total of more than 120 thousand applications were received from citizens, which confirms that the role and importance of the organization's activities is growing day by day [18].

However, in 2016, this figure was as follows. That is, 32.1% of the total appeals were related to socio-economic rights, 29.1% to personal rights, 24.5% to economic rights, 13.5% to political rights and 0.5% to environmental rights [19]. As you can see, in recent years, along with the socio-economic rights of citizens, there has been a growing desire for a correct and clear understanding of their personal rights.

However, studies have shown that at that time there were a number of problems in the field, that is, when analyzing the form, methods and types of citizens' appeals to the Ombudsman, the Ombudsman and his departments focused more on directing them to the relevant authorities. However, in the Ombudsman's work, it is also important to develop the ability to critically examine one's own shortcomings in relation to applicants, and to find solutions to human rights problems and solutions.

As a result, as a result of organizational measures taken by the Ombudsman and his departments, the quality of appeals has increased. For example, when studying the activities of the Ombudsman in 2014, when the appeals were received by regions, one can also see the disproportion between them. Tashkent, Namangan, Bukhara, Andijan regions and the city of Tashkent received the largest number of appeals in this regard. In 2016, the largest number of appeals fell to the

city of Tashkent - 1828, and the lowest number to the Syrdarya region [20].

Looking at the forms and methods of appeals, only 2% of them were sent electronically via the Internet between 1995 and 2015, and the rest were in writing [21]. This confirms that at that time the citizens did not have enough skills to use the most optimal methods of communication, information and communication systems. Even when the 2016 appeals were examined, only 378 of the appeals received by the Ombudsman were in electronic form [22].

During this period, if we look at the number of complaints and appeals by sector, we can see that the bulk of complaints remain dissatisfied with the work of courts and law enforcement agencies [23]. It is no secret that ordinary people's dissatisfaction with fair court decisions has increased.

Commenting on the problems and their solutions, President Shavkat Mirziyoyev said: "It is time to improve the quality of court proceedings, especially to prevent distractions in civil cases, to put an end to the practice of multiple cases in the same instance court" [24]. To this end, one of the first decrees issued by the President of the Republic of Uzbekistan from the first days of his presidency was "On measures to further reform the judicial system, strengthen guarantees of reliable protection of the rights and freedoms of citizens" [25].

In order to study the culture of citizens' appeals and how they use the exercise of their rights, the 2017 survey found that 76.3 appeals per 100,000 population were in Tashkent, and 10.8 per Andijan region [26].

This confirms that the dynamics of appeals is higher in Tashkent than in other regions of the

country. Historical analysis has shown that, in comparison with some countries, there are similarities and even differences in these areas. In 2007 alone, Russia had the highest number of appeals in the socio-economic sphere (34.8%), followed by the judiciary and law enforcement agencies (27.3%), public security and administrative cases. dissatisfaction with the activities of the structures was 14.8% [26]. A similar analogy is observed in the activities of the Ombudsmen of Croatia, the Czech Republic, Albania, Poland and Denmark [26].

Turning to historical facts, in the course of its historical evolution until 2016, the Ombudsman of the Oliy Majlis received a total of more than 140,000 appeals from citizens [1]. If we analyze the activities of the Ombudsman of the Russian Federation in the relevant areas, in 2008 the number of complaints about violations of personal rights of citizens increased by 1.8% compared to the same period last year, complaints about law enforcement agencies by 16.9%. complaints can be seen to have increased by 27.3% [2]. Complaints about violations of social protection and social security decreased by 1.6% compared to 2007 [3]. In this regard, there has been an increase in the activity of the Regional Representatives in recent years. However, in the period from the establishment of the Ombudsman to 2016, the regional Ombudsmen reviewed more than 15,000 appeals and sent 65% of them to the relevant authorities for study and resolution [4].

Since Shavkat Mirziyoyev took office in 2017, Uzbekistan has entered a new phase in ensuring human rights. In particular, the acquisition of about 50,000 people as citizens of the Republic of Uzbekistan and the pardon of 3,187 people in 2017-2020 have a deep humanitarian significance [5]. The adoption of the UN General Assembly resolution

"Enlightenment and Religious Tolerance" at the initiative of Uzbekistan, as well as the holding of the Asian Forum on Human Rights in Samarkand, confirms that international cooperation has reached a new level.

As part of the successful "№1 Mehr and №2 Mehr" humanitarian operations, 261 civilians, mostly women and children, were returned to Uzbekistan from the conflict zone in Syria and Afghanistan. They were provided with the necessary medical and financial assistance. In recent years, as a practical confirmation of the humanitarian policy of Uzbekistan and the noble qualities of our national mentality, such as kindness and compassion, forgiveness of the Uzbek people, several decrees of the President of Uzbekistan "On pardoning those serving sentences, sincerely repenting and resolutely seeking correction." and more than 4,000 people were released from prisons in 2017-2019 [6].

The Specialized Penitentiary №19 at Jaslyk, which has been the subject of constant protests from international human rights organizations, has been disbanded. Also, the legal framework for the activities of the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman) in the protection of human rights and freedoms and their legitimate interests has been improved. In particular, in 2019, amendments and additions were made to the Law of the Republic of Uzbekistan "On the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman)", the position of Deputy Ombudsman - "Ombudsman for Children", the Institute of National Preventive Mechanism under the Ombudsman. According to it, the Ombudsman shall take measures to prevent torture and other cruel, inhuman or degrading treatment or punishment through regular visits to places of detention [7].

The Oliy Majlis of the Republic of Uzbekistan approved a regulation on an expert group to assist the Ombudsman in preventing torture and other cruel, inhuman or degrading treatment or punishment [8].

In 2018, the Ombudsman received a total of 10,832 (in 2017 - 9,074) applications from citizens of the Republic of Uzbekistan, citizens and ombudsmen of foreign countries, stateless persons, public organizations and other legal entities. Of these, 1,781 in personal receptions, 74 in mobile receptions, 5,386 by mail and telegraph, 1,436 through the hotline, 1,490 through the Ombudsman's Virtual Reception, as well as 94 through the Virtual Reception of the President of the Republic of Uzbekistan and 571 applications were received through the Internet portal [www.pm.gov.uz](http://www.pm.gov.uz). As 220 of the received appeals did not meet the requirements of the law, they were recognized as anonymous in the prescribed manner.

Individually, 9,808 individuals, of which 51.1% were women. Collectively, 581 appeals and 189 appeals were submitted by legal entities, as well as 34 appeals by human rights organizations of foreign countries. 37.0% of appeals are related to personal and civil rights and freedoms, 34.9% to social, 25.1% to economic, 2.3% to political and 0.7% to environmental rights [9].

In accordance with the law, the Ombudsman from the moment when it became known that the complainant's rights, freedoms and legitimate interests were violated, or from the moment when the applicant used other means to protect his rights and freedoms and was not satisfied with the decision; considers complaints filed within a year.

Following the study of the nature and content of the appeals, the Ombudsman provided detailed recommendations on further measures to implement the rights and freedoms of 2,870 applicants, as well as sent 5,584 inquiries and letters to public authorities for consideration in practice.

In 2019, the Ombudsman received a total of 12,822 appeals from citizens of the Republic of Uzbekistan, citizens and ombudsmen of foreign countries, stateless persons, public organizations and other legal entities (10,832 in 2018). Of these, 1,639 in private receptions, 318 in mobile receptions, 5,796 by mail and telegraph, 1,803 through the hotline, 1,970 through the Ombudsman's Virtual Reception, as well as 91 through the Virtual Reception of the President of the Republic of Uzbekistan and 1,205 applications were received through the internet portal [www.pm.gov.uz](http://www.pm.gov.uz). 212 of the appeals were declared anonymous in accordance with the requirements of the law [10].

Individually, 11,690 were individuals, of which 56.4% were men and 43.6% were women. Collectively, 646 appeals and 235 appeals were submitted by legal entities, as well as 39 appeals by human rights organizations of foreign countries. 38.8% of appeals are related to personal and civil rights and freedoms, 31.6% to social, 25.3% to economic, 3.5% to political and 0.8% to environmental rights [11].

Of course, solving many problems that have arisen over the years, in particular corruption, a critical approach to the activities of leaders, strengthening the personal responsibility of each leader, living with the concerns of the people, forming a system of dealing with ordinary people, attention to the human factor, The most influential mechanism is the fact that the People's Receptions and Virtual Receptions of the President of the Republic of

Uzbekistan have started their activities, which has affected the weight of citizens' appeals to the Ombudsman. According to him, as of February 2017, the Virtual Reception of the President received 509,122 applications from citizens, of which 436,408 were considered [12], and by the end of 2018, more than 2.5 million people had found solutions to their problems [13]. This allowed to solve the most pressing problems of the population, in turn, the state power provided an opportunity to protect the rights and opportunities of citizens.

One of the important innovations in the field of entrepreneurship is the legal protection of the rights and interests of citizens in the renewed history of Uzbekistan. In accordance with a special decree of May 5, 2017, the Commissioner for Protection of Rights and Legal Interests of Entrepreneurs was established under the President of Uzbekistan. As of December 1, 2019, 761,248 entrepreneurs were registered in Uzbekistan, and the Business Ombudsman, in cooperation with interested organizations, managed to restore the activities of 47,304 entrepreneurs [14].

If we look at the historical figures, in 2019 alone, the Business Ombudsman received a total of 3,202 applications from entrepreneurs. The issues raised in 2,706 complaints have been resolved. 33% of appeals are related to decisions (actions) of local state authorities, 12.3% to land allocation, 12% to regulatory bodies, 10% to banking activities, 7% to tax legislation, 6.3% to court decisions and their execution related, as well as issues in various other areas in the remaining 19.4 percent. 134 applications, 11 conclusions, 66 warnings and 138 administrative protocols on the restoration of the legal rights of entrepreneurs were issued and sent to the courts. As a result of sanctions, 203 officials were disciplined, 114 were administratively prosecuted, and 211

decisions made illegally by government agencies and organizations were annulled [15].

In 2019, on the basis of complaints from individuals and legal entities about violations of the law by regulatory authorities received orders to conduct inspections in a total of 1,248 private enterprises. Of these, 719 (58 per cent) agreed and 529 (42 per cent) were rejected due to insufficient grounds for investigation [16].

## CONCLUSION

In general, it turned out that the Ombudsman in Uzbekistan, as in the advanced countries of the world, has a certain legal status in its activities, relying primarily on the parliament, its legislative and oversight. This institute is based on universal democratic principles and certain national models, based on the specifics of Uzbekistan. We are convinced that its main task is to not only restore the violated rights of citizens, but also to take an active part in solving problems related to the improvement of legislation, raising legal awareness of the population. In this regard, we have witnessed that his work is based on the norms of democratic legislation and national values.

It became clear that the Commissioner for Human Rights has been actively involved in resolving the appeals and problems of thousands of citizens in the course of its work with other law enforcement agencies (courts, prosecutor's offices, internal affairs, advocacy). At the same time, it was found that there are some problems in the activities of this institution, the work with citizens' appeals to the Ombudsman and the work of regional offices is based on a simpler form and methods, and appropriate organizational measures are taken to eliminate them.

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