



LAW
OF THE REPUBLIC OF UZBEKISTAN ON
THE AUTHORISED PERSON OF THE OLIY
MAJLIS OF THE REPUBLIC OF UZBEKISTAN
FOR HUMAN RIGHTS (OMBUDSMAN)

(new version)

LAW OF THE REPUBLIC OF UZBEKISTAN

On Changes in and Amendments to the Law of the Republic of Uzbekistan “On the Authorised Person of the Oliy Majlis for Human Rights (Ombudsman)”

To make changes in and amendments to the Law of the Republic of Uzbekistan “**On the Authorised Person of the Oliy Majlis for Human Rights (Ombudsman)**” of the 24th April, 1997 (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 4–5, Art. 102) by approving its new version (attached hereto).

The President of the Republic of Uzbekistan I. KARIMOV

Tashkent, 27
August, 2004 №
669–II

LAW OF THE REPUBLIC OF UZBEKISTAN

ON THE AUTHORISED PERSON OF THE OLIY MAJLIS OF THE REPUBLIC OF UZBEKISTAN FOR HUMAN RIGHTS (OMBUDSMAN)

(new version)

The present Law defines the rights, duties, basic directions and guarantees of the activities of the Authorised Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman).

Article 1. The Authorised Person of the Oliy Majlis of the Republic of Uzbekistan for human rights (Ombudsman)

The Authorised Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) (hereinafter referred to as the AP) is an official with the authority to exercise parliamentary control over the observance of human rights law by state agencies, enterprises, institutions, organisations and officials (hereafter referred to as organisations and officials).

The institution of the Authorised Person for Human Rights of the Republic of Uzbekistan supplements the existing forms of protection of human rights and freedoms. The AP promotes the improvement of the legislation of the Republic of Uzbekistan on human rights to make it compliant with the norms of international law as well as promotes international cooperation in protection of human rights and works to raise public awareness of human rights issues.

Article 2. Legal basis for the AP's activity

In his/her activities the AP is guided by the Constitution of the Republic of Uzbekistan, laws, other legislative acts, international treaties of the Republic of Uzbekistan and universally accepted principles of human rights and norms of international law.

In implementation of his/her duties, the AP is independent from other state agencies and officials, and reports to the Oliy Majlis of the Republic of Uzbekistan.

Article 3. Election of the AP

The AP is elected by the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan for a term of five years.

The candidature for the post of AP is nominated by the President of the Republic of Uzbekistan to the Chambers of the Oliy Majlis of the Republic of Uzbekistan.

The decision of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan on election of the AP is adopted by the majority vote of the overall number of the deputies of the Legislative Chamber and the members of the Senate of the Oliy Majlis of the Republic of Uzbekistan at their sessions.

After the consideration of the candidature of the AP at the sessions of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, the adopted final resolution on election of the AP is sent to the President of the Republic of Uzbekistan pursuant to the established legal procedure.

After expiration of his/her term of office, the AP continues to exercise his/her duties until a new AP is elected.

Article 4. Requirements to a candidate for the position of the AP

A citizen of the Republic of Uzbekistan, who has reached the age of twenty five by the date of election, having permanently lived on the territory of the Republic of Uzbekistan for the period not less than five years, may be elected the AP.

Article 5. Deputy of the AP

The AP has his/her Deputy to be elected by the Chambers of the Oliy Majlis pursuant to the established legal procedure.

In case of the dismissal of the AP, the Deputy of the AP performs his/her duties until a new AP is elected, and during this period he/she enjoys all the guarantees provided for the AP.

Article 6. Main principles of the AP's activity

The main principles of the AP's activities are legality, justice, democracy, humanism, openness, and accessibility for every person.

Article 7. The AP's report

The report of the AP is annually heard at the sessions of the Chambers of the Oliy Majlis of the Republic of Uzbekistan pursuant to the legislation.

The annual report of the AP is published pursuant to the established procedure.

The AP participates in the preparation of annual reports of the Republic of Uzbekistan on the implementation of international treaties on human rights and freedoms.

Article 8. Activity incompatible with the position of the AP

The AP is obliged to suspend or stop his/her membership or participation in a political party during his/her tenure. The AP cannot be engaged in other kinds of paid activity, with the exception of scientific and pedagogical activities.

Article 9. Dismissal of the AP

The AP can be dismissed by the Chambers of the Oliy Majlis of the Republic of Uzbekistan ahead of time in case he/she:

submits a written resignation;
experiences a steady health decline, confirmed by medical evidence;

is convicted by the court of justice;
elected or appointed to a position incompatible with the duties of the AP pursuant to the law.

Article 10. Consideration of complaints by the AP

The AP considers complaints from the citizens of the Republic of Uzbekistan, foreign citizens and persons without citizenship staying on the territory of the Republic of Uzbekistan about the actions or inactions of organisations or officials that violate their rights, freedoms and legitimate interests and has the right to start his own investigation.

The AP considers the complaints submitted by the third parties, including non-governmental non-commercial organisations, against violations of rights, freedoms and

legitimate interests of a person or group of persons by their consent. The AP does not consider the matters under the competency of the court of justice.

Article 11. Terms of consideration of complaints by the AP

The AP considers the complaints filed within one year from the moment when complainant becomes aware of the violation of his/her rights, freedoms and legitimate interests, or from the moment of adoption of the last decision on his/her complaint if the complainant has exhausted other means of protection of his/her rights, freedoms and legitimate interests and is dissatisfied with the decisions made thereon.

Article 12. Contents of complaints

The complaint submitted to the AP shall contain the name, surname and patronymic of the complainant and his/her address; the name of the organisation, the name, surname and patronymic of the official, whose actions or inaction are appealed against; the description of the nature of actions/inactions which the complainant believes had violated his/her rights, freedoms and legitimate interests.

The complaint filed to the AP is not subject to a state duty.

Article 13. Rights of the AP

The AP is entitled to:
consider a complaint;

show the complainant the ways and methods how he/she could protect his/her rights, freedoms and legitimate interests;

forward the complaint to an organisation or official competent to resolve the issue;

provide the complainant with the access to documents, decisions and other materials relating to his/her rights and legitimate interests;

reject a complaint with obligatory validation of the reasons for such rejection;

take other measures pursuant to the legislation.

Article 14. Rights of the AP related to the consideration of complaints

The AP, while considering complaints or during examinations of cases of violation of rights, freedoms and legitimate interests on his/her own initiative, is entitled to:

seek assistance from state agencies/institutions/officials in investigation of circumstances to be clarified;

invite officials and representatives of organisations to investigate the circumstances to be clarified. The investigation cannot be assigned to the agency whose actions/inactions are investigated following the complaint;

visit organisations and officials freely;

request for and receive documents, materials, and other information from organisations and officials; receive explanations from officials; nominate organisations and experts to prepare conclusions

on the matters to be clarified;

participate in examinations carried out by organisations and officials on issues relating to the rights, freedoms and legitimate interests of citizens;

meet and interview detained persons and persons kept in custody;

request appropriate bodies to hold responsible persons, whose actions were proven to have violated the rights and freedoms of citizens.

Information related to complainants' and other persons' private life, obtained during examination of cases of violation of rights, freedoms and legitimate interests of persons cannot be divulged without their consent.

Article 15. Assistance to the AP's activity

Officials are obliged to provide the AP with requested documents, materials and other information, related to violation of rights, freedoms and legitimate interests of citizens.

The AP is entitled to use the right to be immediately received by authorities and other officials of state bodies, enterprises, institutions, organisations on the matters related to his/her responsibility.

The order of AP's visitation of enterprises, institutions and organisations, whose activity is related to a state or other legally protected, as well as provision of a state or other legally protected secret to the AP, is carried out pursuant to the legislation of the Republic of Uzbekistan.

Any obstruction of the AP's functions is subject to legal responsibility pursuant to the established procedure.

Article 16. The AP's duties related to the results of complaint consideration

In relation to the results of consideration and examination of complaint the AP is obliged to:

Inform the complainant about the results of consideration;
forward his/her conclusion with recommendations related to the restoration of violated rights to an organisation or official whose actions or inaction violated rights, freedoms and legitimate interests of citizens. The organisation or official, who has received the AP's conclusion, must consider it and give a substantiated answer within one month.

Article 17. The AP's conclusion

The AP's conclusion may contain recommendations to:
complete the case by the organisation/official;
change or cancel the decision of the organisation/official;
substantiate the decision of the organisation/official;
take an additional decision by the organisation/official.
The AP's conclusion may contain other recommendations.

Article 18. Inviolability of the AP

The AP enjoys inviolability and cannot be held legally responsible, detained, arrested, imprisoned or subjected to an administrative case without the consent of the Chambers of the Oliy Majlis of the Republic of Uzbekistan.

Criminal proceedings against the AP can be instituted only by the Prosecutor General.

Forcible arrest, detainment, and as well as inspection of personal belongings, luggage, transport, residential or office accommodation of the AP are prohibited.

Article 19. Human rights protection guarantee during consideration of complaint

The complainant as well as all other persons, commissioned by the AP to collect and analyse information or to provide expert assessment, cannot be subjected to persecution or other infringement of their rights for such actions.

Article 20. Commission for observance of constitutional human rights and freedoms

To assist the AP in his/her activities, the Commission for observance of constitutional human rights and freedoms, chaired by the AP, is set up by the Kengashs of the Chambers of the Oliy Majlis of the Republic of Uzbekistan.

The activities of the Commission are guided by the Regulations approved by the Kengashs of the Chambers of the Oliy Majlis of the Republic of Uzbekistan.

The AP may appoint a member of the Commission as his/her representative.

Article 21. Secretariat and logistical support of the AP's activities

To support the activities of the AP, the Secretariat may be established, its Statute approved by the AP. The AP's Secretariat is a legal entity.

The AP has a personal seal with the State Emblem of the Republic of Uzbekistan.

Logistical and other kinds of support to the AP's activities are provided from the State budget of the Republic of Uzbekistan.

Article 22. Liability for the violation of the legislation on the AP

Persons found guilty of the violation of the legislation on the AP bear responsibility pursuant to the established procedure.

**THE DECREE OF THE OLIY MAJLIS OF THE REPUBLIC OF
UZBEKISTAN**

**On ratification of the new version of the Law of the Republic of
Uzbekistan “On the Authorised Person of the Oliy Majlis of the
Republic of Uzbekistan for Human Rights (Ombudsman)”**

The Oliy Majlis of the Republic of Uzbekistan **decrees to:**

1. Ratify the new version of the Law of the Republic of Uzbekistan “On the Authorised Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)” based on the result of election to the Legislative Chamber and formation of the Senate of the Oliy Majlis of the Republic of Uzbekistan. Establish that the Authorised Person of the Oliy Majlis for Human Rights (Ombudsman) elected pursuant to the Law of the Republic of Uzbekistan “On the Authorised Person of the Oliy Majlis for Human Rights (Ombudsman)” of 24th April, 1997, continues to carry out his/her duties until a new Authorised Person is elected.
2. Bring the Decisions of the Government of the Republic of Uzbekistan (Sh. Mirziyoev) to conformity with the new version of the Law of the Republic of Uzbekistan “On the Authorised Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)”, to ensure re-consideration and cancellation of standard acts of Ministries, State Committees and Departments which are discordant with the Law.

**The Chairman of the Oliy Majlis of the Republic of Uzbekistan E.
KHALILOV**

Tashkent city,
27 August, 2004
№ 670-II