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LEGAL BASIS AND ACTIVITY OF OMBUDSMAN OF THE REPUBLIC OF UZBEKISTAN IN MODERN CONDITIONS

The article deals with questions of formation, evolution, legal status and activity of the Authorized Institute of the Republic of Uzbekistan for Human Rights. The evolution of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights was studied considering the development of the system of human rights protection as well as concrete social-economic conditions and results of legal development in the country.

A comprehensive legal analysis of tasks, functions and authorities of the Ombudsman was conducted with comparison of foreign experience. A special importance was paid to the analysis of provisions of specialized status of the institute of Ombudsman – the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights [Ombudsman].

The course of changes of mechanisms of legal regulation status and activity of the Ombudsman was undergone studies taking into account of the compiled experience and revealed shortcomings in legislation. On the basis of considering the election procedure of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights, its immunity and authorities, the author reasons the provision on broad enough competence and independence of the Ombudsman. Considering in detail different aspects of the activity of the Ombudsman, the author notes its deep connection with juridical practice of other law enforcement institutions. The structure, activity and assistant services – secretariat, consultative board, commission on observance to constitutional human rights and freedoms, expert council, regional representative were analyzed enough in detail.

The article contains critical analysis of some norms of current legislation, reveals problems of legal protection practice on the basis of which the recommendations were made on improvement of laws and raising the effectiveness of Ombudsman's activity.

Keywords: human rights, protection of rights, ombudsman, constitutional law, procedural violations, court.

Introduction

The Ombudsman institute has a history which goes back to the far past. For the first time this official position was founded in Sweden in 1809. According to the opinion of some researchers, such as Din Gotterer, Abulhakim Shariy Juzjoniy, the root of this institute goes back to the Islamic sources. In particular, D. Gottereri notes that «One of the historical roots of ombudsman originates from the principle of equity as organic part of the ideology of the Great Koran, and for receiving complaints and solution of disputes Islam Khalif Umar founded the position «mukhtasib». In 1709, the Swedish King Karl XII, after his defeat in the war with Russia, came to Turkey. In 1718, coming back to Sweden the King founded the position «Ombudsman. The representatives of separate schools considered in it the impact of «kozilnkuzot» of the famous leadership of Turkic justice. A long struggle for power between the Kings of Sweden and the parliament succeeded in the adoption of the Constitution in 1809. The parliament founded the position «Ombudsman».

In most of the states of the world the ombudsman institute had been formed significantly later, during the second half of the XX th century. The number of countries where this institute exists in this or that form passed over a hundred.

In one countries the ombudsman realize control over observance of citizens' rights and freedoms [Poland, Great Britain, New Zealand], in others – generally control over the observance of legitimacy in the activity of the administration [Norwegian, Denmark], in the third – along with this they control the observance of legitimacy in the organs of local self-governance and in courts [Sweden, Finland], including observance of the rights and freedoms of citizens. In Germany the function of the control over legitimacy in the activity of military servicers are imposed on the authorized person of Bundestag on defense issues. This institute is introduced, as the world experience shows, by three ways: either on the basis of the constitution [developed later by provisions], or as a result of adoption of a special law and more later, by enhancement of the said institute on the constitutional level; or on the basis of a special law without fixing in the constitution [1, p. 260].

The functions of the national ombudsman institutes, except consideration of complaints and petitions of citizens, as a rule, includes in itself the interaction with the organs of state powers and local self-governance bodies, monitoring of situations with observance of human rights and freedoms, analysis of internal legislation for the purpose of revealing inconsistency to the generally recognized principles and norms of international obligations of the country in the sphere of human rights, legal enlightenment of citizens on the questions of human rights, their protection forms and methods. In the last times the ombudsmen are often involved in a wide range of informational and enlightenment activity.

During the years of independence Uzbekistan has joined more than 70 core international documents in the sphere of human rights protection and accepted for itself the responsibility for successful realization of human rights, indicated in these international legal documents. It is wonderful that Uzbekistan joined the Universal Declaration of Human Rights in September 1991, that is, in the first year of gaining its state independence.

In the Republic of Uzbekistan there has proceeded an intensive process of developing a system of legislation, its innovation on principally new beginnings, challenged to promote to the development of market economy, formation of a civil society, development and strengthening a legal state. It is possible to say that before Uzbekistan, having become an equal member of the international community, there opened broad perspectives in the sphere of bill drafting and protection of human rights. One of the main objects of state's focuses has become the problem of implementation of international standards in the national legislation.

By its essence the most important element of the mechanism for observance, protection of human rights and freedoms is the activity of state organs challenged to respond to the realization of human rights and to ensure their protections.

Presently in the Republic there have been created several institutions engaged in the questions of observance and protection of human rights. One of them has been developed in the system of the legislative power [parliament] is the Authorized person of the Oliy Majlis for Human Rights [ombudsman].

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Materials and methods. The analysis of scientific and specialized literature on the research problem, normative documents on the subject under study, analysis and generalization of existing international experience were carried out. The following

methods were used in the research process: logical, historical, and systematip. In order to achieve practically significant results, comparative and statistical methods were also used in the research process.

Results and discussion. Talking about the legal status of Ombudsman institute in Uzbekistan, it should be noted that the Republic of Uzbekistan has developed its own experience for creation and legal regulation of the activity of the Ombudsman. In February 1995 in the first session of the First Convocation all of the Oliy Majlis of the Republic of Uzbekistan the position of the Authorized Person of the Oliy Majlis for Human Rights was founded.

For the purpose of promoting to the activity of the Authorized person by the Resolution of the Oliy Majlis of May 6, 1996 the commission was created on observance of the citizens' constitutional rights and freedoms [2, p. 136]. The activity of the Authorized person was first regulated by the Provision on the Authorized Person of the Oliy Majlis for Human Rights of August 29, 1996. For this purpose there began a work on preparation of the bill draft on the Authorized person which took into consideration the experience of foreign ombudsmen, recommendations of international organizations and experts.

In April 1997 the Law «On the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights [Ombudsman]» [3, p.102] was adopted which regulated the legal provision of the Ombudsman under the conditions of mono-cameral parliament.

The formation of the ombudsman institute in Uzbekistan has undergone on evolutionary way. In the initial stage the Institute of the Authorized person of the Oliy Majlis for Human Rights was not fixed in the Constitution of Uzbekistan. In April 2003 the parliament of Uzbekistan adopted the Law on introduction of changes and additions in the Constitution, according to which article 78 of the Constitution included the paragraph 16 on election of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights by Legislative Chamber and the Senate of the Oliy Majlis [4, p. 193].

The legal status of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights [Ombudsman] is determined as well by the provisions of the Constitution of the Republic of Uzbekistan [5, p. 193], the constitutional laws «On Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan» [paragraph 16, article 8], «On Senate of the Oliy Majlis of the Republic of Uzbekistan» [paragraph 16, article 8], Law «On regulation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan» [articles 23 and 33], «On regulation of the Senate of the Oliy Majlis of the Republic of Uzbekistan» [articles 9 and 32] as well as Regulations of the Chambers of the Oliy Majlis [6, p. 136,137].

In 2019, a number of new rules were introduced into the Act regulating the procedure for the submission of communications to the Commissioner by detainees and remand prisoners [i.e. persons under administrative arrest and persons sentenced to deprivation of liberty] [7, p. 27]. Such persons are now entitled to address the Ombudsman in writing, without restriction as to their number, and may not be censored. The officials are obliged to send the Ombudsman such sealed communications within 24 hours and telegrams immediately. Also, the Ombudsman's reply is not subject to review and is delivered immediately to the applicant.

The Ombudsman had been given the right to visit places of detention without hindrance, and the administration of those institutions was obliged to ensure their safety. It is the responsibility of the Administration to provide him with the necessary facilities for an unhindered and confidential meeting and interview of detainees who are held in private.

The Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights is an official person with the authority to exercise parliamentary control over the observance of human rights laws by state agencies, enterprises, institutions, organizations and officials. In implementation of his/her duties, the Authorized person is independent from other state agencies and officials, and reports to the Oliy Majlis of the Republic of Uzbekistan.

Under the new provisions, all officials are obliged to provide the documents, materials and other information requested by the Ombudsman relating to violations of the rights, freedoms and legitimate interests of citizens and to receive it without delay. Obstruction of the Commissioner's activities is punishable in accordance with the established procedure [8, p. 170].

The Ombudsman is entitled to submit proposals for the consideration of persons entitled to initiate legislation on the drafting and adoption of laws, the introduction of amendments and additions to laws and the participation of the Republic of Uzbekistan in international treaties. He may participate in working groups for the preparation of draft laws and other normative acts, conduct their legal expertise, participate in parliamentary sessions and make proposals and comments on draft laws under discussion. He is entitled to join international organizations for the protection of human rights and to develop cooperation with foreign institutions for the protection of human rights, Contributes to raising the awareness of international organizations on the implementation of the Republic's international treaties in the field of human rights and freedoms.

Of particular note is his right to submit relevant issues to the Constitutional Court, to participate in its proceedings and to state his position on all matters before it. The Act also contains additions to the powers of the Ombudsman to cooperate with civil society institutions in the area of human rights and freedoms.

The Law provides that 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 note; experiences a steady health decline, confirmed by medical evidence; was convicted by the court of justice; was elected or appointed to a position incompatible with the duties of the AP pursuant to the law [art.9].

The article 8 establishes that The AP is obliged to suspend or stop his/her membership or participation in a political party during his/her tenure.

These limits were introduced by the law so that she could effectively perform her official obligations, to be independent, objective defender of citizens' rights which is consistent with the world practice.

An important element of the status of the AP is availability of immunity. According to article 18 of the Law 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.

The work with complaints of citizens is a leading function of the AP. According to article 10 of the law 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 organizations or officials that violate their rights, freedoms and legitimate interests and has the right to start her own investigation.

The AP considers the complaints submitted by the third parties, including non-governmental non-commercial organizations against violations of rights, freedoms and legitimate interests of a person or group of persons with their consent. The AP does not consider the matters under the competency of the court of justice.

Article 11 provides that 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. This provision reveals two most important conditions under which it is possible to file complaints with the AP. First, the term of petition must be observed, and, the second, all other legal mechanisms of protection of the rights of a definite person must run off.

The work of the AP with citizens' complaints consists of three stages: accepting and initially studying complaints for the subject of definition whether its consideration belongs to the competence of the AP; consideration of a complaint on the essence; deep investigation and adoption of a decision on the complaint.

For solution of a complaint art. 14 of the Law the AP is entitled to consider complaints or during examinations of cases of violation of rights, freedoms and legitimate interests on his/her own initiative, to seek assistance from state agencies/institutions/officials in investigation of circumstances to be clarified; to invite officials and representatives of organizations to investigate the circumstances to be clarified.

The investigation cannot be assigned to the agency whose actions/inactions are investigated following the complaint; visit organizations and officials freely; request for and receive documents, materials, and other information from organizations and officials; receive explanations from officials; nominate organizations and experts to prepare conclusions on the matters to be clarified; participate in examinations carried out by organizations 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 [9, p. 15].

The activities of the Ombudsman for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were regulated. To this end, article 209 of the Act provides for powers to visit places of detention. In order to facilitate such activities, he may set up an expert group composed of representatives of non-governmental non-profit organizations. Members of such groups were given special instructions to visit places of detention without hindrance. In addition, the Ombudsman's Secretariat has a section for the promotion of the activities of the Commissioner for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The main problems that citizens address are complaints of unjustified criminal prosecution, unwarranted use of force, preventive measures in the form of arrest and detention, and complaints about the actions of law enforcement officials, violation of investigative procedure. In addition, convicts and their relatives request assistance in the transfer of convicts, the application of an amnesty and pardon act, the provision of medical assistance to convicts, and the submission of complaints about illegal actions by prison officers. Thus, whereas in 2017 the Commissioner considered 9,074 applications, in 2018 - 10,832, and in 2019 – 12,822 [10, p. 114].

In accordance with the Presidential Decree «On the approval of the National Strategy of the Republic of Uzbekistan on Human Rights» of 22 June 2020, the «road map» [3] was approved. With a view to eliminating human rights violations,

the document calls for ensuring the independence of the judiciary, improving the work of the Public Prosecutor's Office and strengthening the powers of the justice system, as well as the creation of broad conditions for the activities of national institutions for the protection of human rights, the further development of the national system for the monitoring and evaluation of State policy in the field of human rights, and the enhancement of the legal awareness and legal culture of the population, Fostering a culture of respect for human rights in society.

Furthermore, in October 2020, Uzbekistan was elected for the first time in history by a majority vote to the United Nations Human Rights Council for a three-year term. In addition, the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, addressed the 46th session of the Human Rights Council in February of this year [<https://president.uz/ru/lists/view/4179>].

For organization of all current activity of the Ombudsperson there was created the Secretariat which realizes legal, organization, information, systemic-analytical provision for effective realization of the functions of the Ombudsperson, Commission for observance of constitutional human rights and freedoms and regional representatives of the Ombudsperson in localities.

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.

The Commission is facilitated by the Kengashes of the Chambers of the Oliy Majlis of the Republic of Uzbekistan. The Commission works under the chairperson of the AP and in his activity is guided by the Regulation, confirmed by the Kengashes of the Chambers of the Oliy Majlis of the Republic of Uzbekistan.

Talking about the regional representatives of the AP, it should be noted that part 3 of article 20 of the Law of the Republic of Uzbekistan on the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights [Ombudsman - AP] indicates that the AP may appoint a member of the Commission on observance of the constitutional human rights and freedoms as her representative in the regions of the Republic of Uzbekistan. By the Resolution of the Kengashes of the Oliy Majlis of the Republic of Uzbekistan the structure of the Commission is expanded and there was formed a regional representative institute of the AP. Thus, the elected members of the Commission from the regions are considered a regional representative of the AP in this or that region.

The main task of a regional representatives is to promote the activity of the AP in receiving and considering citizens' complaints in localities. In its activity the regional representative is controlled and reports only to the AP. In accordance with the Resolution of the Oliy Majlis of May 12, 2001 the regional representatives

of AP annually submit information on observance of human rights in localities in appropriate Kengashes of people' deputies of the regions [11].

Efforts to safeguard human rights, freedoms and legitimate interests and to improve the relevant legal framework have resulted in the adoption of a number of legal and regulatory instruments aimed at further improving the work of the Ombudsman. The Presidential Decree «On measures to improve the activities of the Oliy Majlis of the Republic of Uzbekistan on Human Rights [Ombudsman]» of 10 September 2021 [<https://lex.uz/ru/docs/4872357>] may be cited as the most vivid confirmation of this. The Ombudsman has the following powers:

Effective parliamentary monitoring of compliance by State bodies and organizations, including law enforcement and monitoring bodies, with legislation on human rights, freedoms and legitimate interests.

Right of legislative initiative of the Ombudsman.

The right of the Ombudsman to submit to the President of the Republic of Uzbekistan, the chambers of the Oliy Majlis and the Cabinet of Ministers special reports on specific aspects of the protection of human rights, freedoms and legitimate interests aimed at the adoption of legal, organizational and social rights, economic and other measures. The necessary adjustments to the sphere will serve as a basis for further deepening democratic reforms in our country, for the sustainable development of society and the State, and for the effective protection of human rights, freedoms and legitimate interests.

In the nine months of 2021, the Ombudsman received 13,689 communications from citizens and the Ombudsman of foreign States, stateless persons, voluntary organizations and other legal entities. Of these, 4,914 [35.9 per cent] were for the protection of individual rights and freedoms, 699 [5.1] for political rights, 3,717 [27.2] for economic rights, 4,135 [30.2] for social rights and 81 [0.6] for environmental rights. In addition, 60 complaints [0.7 per cent] related to anti-corruption issues and 37 [0.4] to coronavirus infection. In addition, 46 [0.5] various proposals were received [12, p. 11].

As the subject of parliamentary control, the Ombudsman has received 7,028 communications. Of these, 1,871 [26.6 per cent] were satisfied and legal clarifications and recommendations were provided. During this period, in accordance with article 16 of the Law of the Republic of Uzbekistan «On the Commissioner for Human Rights of the Oliy Majlis [Ombudsman]» 32 opinions and 9 submissions were submitted to ministries and departments for the purpose of restoring violated citizens' rights. The staff of the Ombudsman's secretariat have participated in the courts 77 times as observers. Of these, 25 are in criminal trials, 45 in civil courts and seven in administrative courts. In 12 cases citizens' rights have been restored.

One of the most important directions of the AP is legal enlightenment on the questions of human rights and freedoms which is realized in the following forms: organization and participation in the events of enlightenment character, publication of printed products on questions of human rights, making presentation at labor collectives, educational institutions, mass media on human rights questions.

In accordance with article 7 of the Law «On the Authorized Person of the Oliy Majlis for Human Rights [Ombudsman]» the AP presents a report on its activity to the Legislative Chamber and Senate of the Oliy Majlis of the Republic of Uzbekistan. The report lights upon the results of the activity of the AP for a year, it presents the data on number, content of recommendations on received complaints of citizens as well as information on conducting monitoring over observance of human rights in localities, on suggestions on improvement of legislation and making them consistent with the norms of international law in the sphere of human rights, realization of information-enlightenment and international activity on encouragement of human rights and freedoms. The report is published in the «Information of the Chambers of the Oliy Majlis of the Republic of Uzbekistan». Annually, the Senate hears the report on the activity of the AP in its session.

The annual report is disseminated among the deputies of the Legislative Chamber and the members of the Senate of the Parliament, members of the government. The summary variant of the report is prepared in three languages [Uzbek, Russian, English], and is disseminated widely and directed to the hokimiyats of regions, cities, districts, ministries and departments of the republic, law enforcement and judicial bodies, higher institutions, scientific-research enterprises, libraries, nongovernmental organizations and political parties and mass media.

A great role in realization of the informational-enlightenment activity of the AP is plaid by mass media. The representatives of the mass media participate actively in covering events which are conducted in the apparatus of the AP.

The novelty of the law is the obligation of the Ombudsman to ensure that interested persons as well as the media have access to information about their activities. It publishes and updates information on its activities on its official website, publishes an annual report, reports on the implementation of international treaties in the field of human rights and freedoms, and other materials. The Act details the legal status and powers of the regional representatives of the Ombudsman [<https://lex.uz/docs/5625271>].

Development of international cooperation in the sphere of human rights is one of the priority directions of the activity of the AP which is realized by expanding the contacts with international organizations on human rights protection in Uzbekistan and activity of the AP for human rights abroad.

The parliamentary AP of Uzbekistan is a full right member of two international organizations of ombudsmen – International Ombudsman Institute from April 1998, one of the first among CIS countries, and European Ombudsmen Institute from May 2002, the first among the countries of Central Asia.

For the last period business like relations have been established with the Management of Higher Commission of UNO for Human Rights, Conventional Committees of the UNO, the OSCE Office for Democratic Institutions and Human Rights, Ombudsman of the European Union, international human rights organizations, provision of participation in realization of technical support programs in the frame of the projects of UNDP and OSCE.

For discussion of urgent problems of observance and protection of human rights in Uzbekistan, exchange of information about the experience and formation of concrete recommendations on improvement of law protection activity in Uzbekistan the Consultative Council was founded under the AP, composed of representatives of foreign diplomatic liaison offices in Uzbekistan, international organizations, national institute for human rights, nongovernmental organizations. For the past period in the meetings of the Consultative Council the urgent questions of the AP for human rights have been discussed [13].

Social partnership of the civil society institutes and state organs is used as a mechanism of interaction of the parties for the purpose of citizens' human rights protection, redressing and removing and preventing their violations, use of existing informational, legal, scientific and organizational sources in planning and realization of joint events.

The AP institute is one of the efficient law protecting organs, widely spread in the world and proved its high effectiveness. Its special role is that it would operate between the public and the state being a specific "bridge" between them, a channel of feedback. On the one hand, an official having independence enough, but at the same time she is a representative of a civil society, challenged to respond to violations of human rights through state structure and officials.

Initially chosen priority of the activity in this direction is in raising the awareness of citizens' constitutional human rights and freedoms guaranteed by the state. It must be clear that in case of cognizing his rights and freedoms a citizen of democratic Uzbekistan can learn not only to require satisfaction of his interests, but also try to obtain responsibly and with dignity from the official to observe his/her human rights, to participate actively in the public control over law implementation. In this and other directions the AP closely cooperates with other state and public organizations.

So, the Conception of AP's interaction with judicial and law enforcement organs is aimed at raising the effectiveness of the AP's work on raising the control

over enforcement of laws on human rights, at ensuring real restoration of citizens' rights, at more effective use of the rights and opportunities of the state bodies for protection of human rights, at achieving the perception that the coordination of the AP's activity with other organs may bring positive results in the sphere of improving the situation on observance of human rights.

Conclusion

Taking into consideration the emerging tendencies on development of cooperation and partnership relations between state organs and civil society institutions, the AP directs her efforts at interaction with nongovernmental organizations of the republic by conducting regular consultations with their representatives on urgent problems of human rights protection, by conducting joint information-enlightenment works.

It is obvious that the legal awareness, change of relations of human and society to law prove that it is a laborious and long process. The process of full provision of human rights protection is connected with populations' awareness of their rights and obligations, laws, comprehension of essence and meaning of the legislative documents. This requires effective realization of tasks in the sphere of legal publicizing work. It is necessary to note that the formation of legal culture of the population in the years of independence, the rise of the activeness of the population in this sphere is the result of joint activity of state organs and public organizations.

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ӨЗБЕКСТАН РЕСПУБЛИКАСЫ ОМБУДСМЕНІНІҢ ҚАЗІРГІ ЖАҒДАЙДАҒЫ ҚҰҚЫҚТЫҚ НЕГІЗДЕРІ МЕН ҚЫЗМЕТІ

Мақалада Өзбекстан Республикасының Адам құқықтары жөніндегі уәкілетті институтының қалыптасуы, эволюциясы, құқықтық мәртебесі және қызметі мәселелері қарастырылады. Өзбекстан Республикасының Адам құқықтары жөніндегі уәкілетті Олий Мәжілісінің эволюциясы адам құқықтарын қорғау жүйесінің дамуын, сондай-ақ елдегі нақты әлеуметтік-экономикалық жағдайлар мен құқықтық даму нәтижелерін ескере отырып зерттелді.

Шетелдік тәжірибені салыстыра отырып, омбудсменнің міндеттеріне, функциялары мен өкілеттіктеріне жан-жақты құқықтық талдау жүргізілді. Омбудсмен институтының - Өзбекстан Республикасының Адам құқықтары жөніндегі Олий Мәжілісінің [Омбудсмен] мамандандырылған мәртебесі туралы ережелерді талдауға ерекше мән берілді.

Омбудсменнің мәртебесі мен қызметін құқықтық реттеу тетіктерінің өзгеру барысы жинақталған тәжірибе мен заңнамадағы анықталған кемшіліктерді ескере отырып зерделеуге ұшырады.

Өзбекстан Республикасының Адам құқықтары, оның иммунитеті мен өкілеттіктері жөніндегі уәкілетті Олий Мәжілісін сайлау рәсімін қарау негізінде автор Омбудсменнің жеткілікті кең құзыреті мен тәуелсіздігі туралы ережені негіздейді. Омбудсмен қызметінің әртүрлі аспектілерін егжей-тегжейлі қарастыра отырып, автор оның басқа құқық қорғау органдарының заң практикасымен терең байланысын атап өтеді. Хатшылық, консультативтік кеңес, адамның конституциялық құқықтары мен бостандықтарын сақтау жөніндегі комиссия, сараптамалық кеңес, өңірлік өкіл – құрылымы, қызметі және көмекші қызметтері жеткілікті түрде егжей-тегжейлі талданды.

Омбудсменнің азаматтардың өтініштерін, атап айтқанда, азаматтық және қылмыстық соттарда істерді қарау кезінде іс жүргізу бұзушылықтарына шағымдарды қарау, әділетсіз сот шешімдерін шығару практикасын талдауға ерекше назар аударылды. Азаматтардың шағымдары бар уәкілетті тұлғаның жұмысы қазіргі кезеңдегі негізгі бағыт ретінде қарастырылады.

Мақалада қолданыстағы заңнаманың кейбір нормаларына сыни талдау жасалады, заңнаманы жетілдіру және омбудсмен қызметінің тиімділігін арттыру бойынша ұсыныстар берілген құқықтық қорғау практикасының проблемаларын ашады

Кілтті сөздер: адам құқықтары, құқықтарды қорғау, омбудсмен, конституциялық құқық, іс жүргізу бұзушылықтары, сот.

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ПРАВОВЫЕ ОСНОВЫ И ДЕЯТЕЛЬНОСТЬ ОМБУДСМЕНА РЕСПУБЛИКИ УЗБЕКИСТАН В СОВРЕМЕННЫХ УСЛОВИЯХ

В статье рассматриваются вопросы становления, эволюции, правового статуса и деятельности Уполномоченного института Республики Узбекистан по правам человека. Эволюция Уполномоченного Олий Мажлиса Республики Узбекистан по правам человека была изучена с учетом развития системы защиты прав

человека, а также конкретных социально-экономических условий и результатов правового развития в стране.

Был проведен всесторонний правовой анализ задач, функций и полномочий омбудсмена с сопоставлением зарубежного опыта. Особое значение было уделено анализу положений о специализированном статусе института омбудсмена – уполномоченного Олий Мажлиса Республики Узбекистан по правам человека [Омбудсмена].

Ход изменений механизмов правового регулирования статуса и деятельности омбудсмена был подвергнут изучению с учетом накопленного опыта и выявленных недостатков в законодательстве. На основе рассмотрения процедуры избрания Уполномоченного Олий Мажлиса Республики Узбекистан по правам человека, его иммунитета и полномочий автор обосновывает положение о достаточно широкой компетенции и независимости Омбудсмена. Подробно рассматривая различные аспекты деятельности омбудсмена, автор отмечает его глубокую связь с юридической практикой других правоохранительных органов. Достаточно подробно были проанализированы структура, деятельность и вспомогательные службы – секретариат, консультативный совет, комиссия по соблюдению конституционных прав и свобод человека, экспертный совет, региональный представитель.

Особое внимание было уделено анализу практики рассмотрения омбудсменом обращений граждан, в частности, жалоб на процессуальные нарушения при рассмотрении дел в гражданских и уголовных судах, на вынесение несправедливых судебных решений. Работа уполномоченного лица с жалобами граждан рассматривается как основное направление на современном этапе.

Статья содержит критический анализ некоторых норм действующего законодательства, раскрывает проблемы практики правовой защиты, на основе которых были даны рекомендации по совершенствованию законодательства и повышению эффективности деятельности омбудсмена

Ключевые слова: права человека, защита прав, омбудсмен, конституционное право, процессуальные нарушения, суд.

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