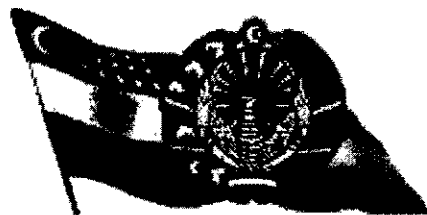


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UZBEKISTAN

**2008 HUMAN DIMENSION IMPLEMENTATION MEETING, OSCE
Warsaw, 29 September–10 October 2008**

Working session 1

STATEMENT

by Dr. Akmal SAIDOV,
Director of the National Human Rights Centre of the Republic of Uzbekistan

covering

RULE OF LAW I including:

- Legislative Transparency;**
- Independence of the Judiciary;**
- Right to a Fair trial**

THE NATIONAL HUMAN RIGHTS CENTRE OF THE REPUBLIC OF UZBEKISTAN

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The following fundamental principles of justice have been secured in the Constitution and the Laws of the Republic of Uzbekistan:

- Equality of citizens before the law and the court;
- Respect for dignity and rights of individuals;
- Accessibility of the language of legal proceedings;
- Competition in legal proceedings;
- Rights for protection;
- Independence of the judiciary and its submission only to the Law.

Procedure mechanisms for realization of the above-mentioned principles have been concretized in the Criminal-Procedural Code, Civil-Procedural Code, Economic-Procedural Code.

Starting from the early days after gaining the state independence the Republic of Uzbekistan is carrying out step-by-step judiciary and legal reforms, which aim to raise the status of judges and liberalize the policy in the sphere of criminal legislation.

Liberalization of criminal legislation includes:

- introduction of the institute of reconciliation into the criminal process;
- liberalization of criminal punishment;
- decrease in application of measures of preventive punishment in form of custodial placement;
- reduction of terms of preliminary investigation;

On the initiative of the Uzbek President the death penalty has been totally abolished in the country as well as the institute of *habeas corpus* has been introduced starting from January 1, 2008. This historical step is directed at strengthening the independence of the judiciary and further liberalization of criminal punishment and it given new impulse to the development of judiciary and legal reforms, besides it shows the very meaning of reforms, carried out in the sphere of justice accomplishment.

Application of the *habeas corpus* institute during the first six month of 2008 brought to significant reduction in application of measures of preventive punishment in form of custodial placement towards persons under investigation, which is considered as an indicator of the level of independence of the judiciary. Statistics shows that 70% of those convicted by the court face measures of punishment not related to isolation from the society or from their families.

The courts in Uzbekistan are funded from the State Budget and judges have right to protect their interests within the established non-governmental organization – the Association of Judges.

Selection of candidatures for the position of a judge is carried out by qualified commissions of judges taking into consideration professional and moral qualifications without any discrimination.

Terms in office, independence, safety, remuneration and other conditions of the service of judges are guaranteed by the Law “On Courts”.

Access to justice means that the state takes all the necessary steps to inform the citizens about all the possible tools for protection of their rights in courts, as well as to simplify, fasten court hearings of civil, criminal, administrative, economic and other cases. The state takes necessary steps to inform the society about the place and competence of courts, as well as about the order for appealing to the court.

The main integral part of the problem of access to justice is solution of the question of access to information of juridical and legal character.

Juridical and legal information, which concerns information about concrete cases, parties to the case, facts, events, documents, fixed in criminal, civil, economic and administrative cases, is considered as information with limited access. The order for access and use of such information is determined by the Criminal-Procedural Code, Civil-Procedural Code as well as the procedural legislation of the Republic of Uzbekistan in the sphere of economic relations.

The High Qualification Commission of selection and recommendation of candidatures for becoming a judge is attached to the President of the Republic of Uzbekistan. This Commission provides the principle of independence of the judiciary and their submission only to the law. Special attention is paid to training the judges and constant raising their qualification by means of the system of training establishments of the Ministry of Justice.

In 2008 the Research Centre on Democratization and Liberalization of Legislation on the Judiciary and Provision of Independence of the Judicial system was created at the Supreme Court of Uzbekistan. Main directions of activities of the Centre are:

- analysis of law-enforcement practice;
- analysis of judicial practice;

- analysis of the state of provision the independence of the judiciary;
- elaboration of suggestions on improvement of legislation.

At the same time, along with strengthening the judiciary power, works are being carried out to reform the advocacy institution, provision of legal status of advocates and their legal and social protection. On the initiative of the President, starting from 1 May 2008, the process of establishing the Chamber of Advocates is going on. The Chamber is to possess its own territorial sub-structures. Fundamental ideas for creating the Chamber are:

- to provide for organizational independence of the advocacy institution;
- to strengthen the guarantees for independence of the advocacy institution;
- to raise the prestige of this profession.

And certainly all these measure are being taken in order to provide for equality of parties to a case, both the prosecutors and the advocates.