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THE ROLE OF THE OMBUDSMAN IN THE PUBLIC ADMINISTRATION SYSTEM OF UZBEKISTAN AND THE LEGAL FOUNDATIONS OF ITS ACTIVITIES

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Abstract

This article examines the institutional position and legal foundations of the Commissioner of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman). The study employs doctrinal legal analysis, systematic interpretation and comparison with international institutional standards. Its documentary basis comprises the Constitution of Uzbekistan, the Ombudsman Law of 15 November 2024, the Venice Principles and selected information from the Ombudsman's 2024 annual report. The findings identify the institution's interconnected functions in parliamentary oversight, complaint examination, legislative improvement and the prevention of torture. Particular attention is given to the distinction between the Ombudsman's non-judicial mandate and its authority to submit applications to courts. The analysis also establishes that national legislation already prescribes mandatory consideration and response requirements for several Ombudsman instruments. Consequently, institutional effectiveness should be assessed through implementation and remedial outcomes, rather than the existence of formal powers or the number of complaints alone. The article concludes that operational independence, accessible procedures and



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verifiable follow-up are essential to the institution's contribution to accountable public administration.

Keywords: Ombudsman, Uzbekistan, public administration, human rights, parliamentary oversight, institutional independence, legal remedies, accountability.

Introduction

The legal significance of public administration lies not only in its capacity to implement state policy but also in its obligation to respect individual rights. In Uzbekistan, this obligation has a constitutional foundation. Article 2 establishes the accountability of state bodies and officials to society and citizens, while Article 20 provides that human rights and freedoms determine the substance of legislation and the activities of public authorities [1, Arts. 2, 20]. These provisions establish a basis for evaluating administrative conduct from the perspective of the individual.

The Constitution also distinguishes between judicial protection and complementary institutional safeguards. Article 55 guarantees judicial protection against unlawful decisions, actions and omissions. Article 56 provides that national human rights institutions supplement existing forms and means of protecting rights and freedoms [1, Arts. 55–56]. The Ombudsman should therefore be understood as an additional protection mechanism, rather than a substitute for the judiciary.

The institution's specific mandate is established by the Law "On the Commissioner of Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)," No. LRU-1002 of 15 November 2024. Article 2 identifies the Ombudsman as an official exercising parliamentary oversight over compliance



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with human rights legislation and as a national human rights institution complementing existing protection mechanisms [2, Art. 2].

This institutional arrangement can be examined against the Venice Principles. These principles recognise the Ombudsman's contribution to democracy, the rule of law, good administration and human rights protection. They also explicitly distinguish access to the Ombudsman from access to courts [3, pp. 2–3].

The purpose of this article is to analyse the Ombudsman's position within Uzbekistan's system of public administration, identify the legal instruments supporting its activities and distinguish formal institutional powers from evidence of practical effectiveness.

Materials and Methods

The study uses four documentary sources: the Constitution of Uzbekistan, the Ombudsman Law of 2024, the Venice Principles adopted in 2019 and the English-language report on the Ombudsman's activities in 2024. National legal provisions are cited by article number, while references to the two paginated documents indicate their printed page numbers.

Formal legal analysis was used to identify institutional powers, procedural requirements and safeguards. Systematic interpretation clarified the relationship between complaint examination, parliamentary oversight and judicial protection. Comparison with the Venice Principles provided an external framework for examining independence, accessibility, reporting and institutional resources. These principles are treated as comparative standards, not as provisions automatically incorporated into Uzbek domestic law.

Selected information from the annual report illustrates reported institutional activity. The research does not include interviews, an independently audited case-file dataset or a comprehensive statistical assessment. Accordingly, reported



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activities are not treated as conclusive evidence of effective remedies or a reduction in human rights violations.

Results. 1. Legal status and institutional independence

The Ombudsman's legal position combines parliamentary oversight with the functions of a national human rights institution. Article 2 of the 2024 Law requires the Ombudsman to act independently of institutions and officials and to be governed by law. Article 4 expressly includes independence, impartiality, non-discrimination and openness among the principles governing its activities [2, Arts. 2, 4].

The institution's relationship with Parliament is reflected in its appointment procedure. The Legislative Chamber and the Senate elect the Ombudsman for a five-year term following the nomination of a candidate by the President. The same person may not hold the office for more than two consecutive terms [2, Art. 6].

Parliamentary election and statutory independence concern different dimensions of institutional design. Election establishes the procedure for obtaining office; independence governs the subsequent exercise of authority. The Ombudsman's connection to Parliament therefore does not remove the obligation to assess complaints impartially.

The Venice Principles likewise distinguish appointment arrangements from operational independence. They recommend selection procedures that strengthen institutional legitimacy and impartiality, and prohibit the Ombudsman from receiving or following instructions from public authorities [3, pp. 4–5].



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2. Complaint examination and access to protection

Article 19 of the Ombudsman Law permits complaints to be submitted orally, in writing or electronically. It provides for the examination of complaints concerning rights violations by institutions and officials and permits third-party complaints, including those submitted by non-governmental organisations, subject to the consent required by the law [2, Art. 19].

The complaint mechanism nevertheless has defined limits. The Ombudsman does not examine matters falling within the competence of a court or complaints by individuals concerning rights-infringing conduct by other individuals. Anonymous submissions are also excluded from consideration [2, Art. 19]. Accessibility must therefore be accompanied by clear information about jurisdiction and admissibility.

The 2024 annual report records 23,422 applications, including 3,077 repeat applications [4, p. 4]. These figures describe the institution's reported workload. They do not establish that every application concerned a confirmed violation, nor do they independently demonstrate that applicants obtained effective remedies. Protection of complainants is another important procedural safeguard. Article 25 prohibits retaliation against persons who apply to the Ombudsman or assist its work. It also prohibits discrimination during complaint examination and protects personal information obtained in the course of investigations [2, Art. 25]. These guarantees are particularly relevant when applicants complain about authorities upon which they depend for services or protection.

The non-judicial character of the institution does not exclude interaction with courts. Article 26 authorises the Ombudsman to submit petitions and claims in citizens' interests and exempts such applications from state duty [2, Art. 26]. Thus, the Ombudsman cannot adjudicate a dispute but can facilitate access to judicial protection.



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3. Legal instruments and response obligations

The Ombudsman's influence cannot accurately be described as consisting only of recommendations that public authorities may disregard without procedural consequences. The 2024 Law establishes several instruments with distinct purposes and response requirements.

Under Article 27, a conclusion may recommend completing a matter, amending or revoking a decision, providing reasons for a decision or adopting an additional decision. The recipient must consider the conclusion and provide a reasoned response within one month [2, Art. 27].

Other instruments have different requirements:

Instrument	Statutory requirement	Reference
Conclusion	Consideration and a reasoned response within one month.	[2, Art. 27]
Submission concerning identified violations and their causes	Mandatory, prompt consideration; written notification of measures taken within fifteen days, unless another period is established.	[2, Art. 30]
Anti-torture demand (<i>talabnoma</i> , translated as "claim" in the English text)	Mandatory, prompt consideration; written notification of measures taken within ten days, unless another period is established.	[2, Art. 32]

These obligations must be distinguished from judicial enforcement. A requirement to consider an Ombudsman instrument and provide a response does not automatically make every recommendation equivalent to an enforceable court judgment. Nevertheless, it creates a legally defined obligation that is more substantial than an informal request.

The Venice Principles similarly connect the power to issue recommendations with an enforceable right to require a timely response from officials and



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authorities [3, p. 5]. The central analytical distinction is therefore between issuing a recommendation, obtaining a legally required response and securing actual corrective action.

4. Parliamentary oversight and legislative improvement

The Ombudsman's reporting duties establish a formal connection between individual rights protection and parliamentary oversight. Article 14 requires the submission of an annual report to the chambers of the Oliy Majlis no later than 15 February of the following year. Article 17 requires the publication of information about the institution's activities and its report [2, Arts. 14, 17].

The law also provides a mechanism for moving from individual complaints to broader institutional scrutiny. Article 35 requires the quarterly generalisation of materials concerning applications and own-initiative investigations. On this basis, the Ombudsman may propose that parliamentary committees hear information from the heads of relevant state bodies [2, Art. 35].

This arrangement gives complaint analysis a function beyond individual case handling. Repeated complaints can provide grounds for investigating whether a problem arises from administrative practice, inconsistent interpretation or deficiencies in legislation. However, recurrence alone does not prove a systemic violation; the underlying circumstances must be examined.

Article 33 authorises the submission of legislative proposals to the Legislative Chamber and participation in drafting and reviewing legislation [2, Art. 33]. The 2024 annual report records the preparation of two legislative proposals and describes complaint-related work on legislative improvement [4, p. 40]. Preparation of a proposal should not, however, be equated with its adoption or successful implementation.



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These functions correspond to the Venice Principles' provisions on public legislative recommendations and annual parliamentary reporting [3, p. 5].

5. Prevention of torture and civil society cooperation

The Ombudsman's preventive mandate extends beyond reacting to complaints after alleged violations. Article 47 authorises the Ombudsman, the Deputy Ombudsman and regional representatives to conduct unannounced monitoring visits to specified places where freedom of movement is restricted. It also provides for the examination of detention conditions, relevant documents and confidential conversations with persons held in such places [2, Art. 47].

The 2024 annual report states that the Ombudsman and public groups conducted 902 monitoring visits during the reporting year [4, p. 34]. The figure demonstrates reported monitoring activity, but does not by itself establish whether conditions improved or recommendations were implemented. Assessing preventive effectiveness requires follow-up information about identified problems and subsequent corrective measures.

Civil society cooperation has an explicit statutory basis. Article 39 provides for participation by civil society representatives in working groups, expert groups and advisory bodies. Article 48 establishes public groups assisting the prevention of torture [2, Arts. 39, 48]. The annual report also describes an open dialogue involving public authorities and civil society organisations on human rights protection [4, p. 54].

Regional access is addressed through permanent representatives in Karakalpakstan, the regions and Tashkent city. These representatives receive applications, assist in restoring violated rights and report directly to the Ombudsman [2, Art. 43]. Their legal status therefore supports territorial access while maintaining an institutional line of accountability to the Ombudsman.



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Discussion

The findings support understanding the Ombudsman as an independent oversight institution operating in relation to public administration, rather than as an executive body directing administrative activity. Its contribution combines individual complaint examination, preventive monitoring, parliamentary reporting and proposals for legislative improvement.

Three distinctions are particularly important.

First, statutory independence should not be confused with demonstrated operational independence. The Venice Principles identify sufficient financial resources and staffing as necessary institutional conditions [3, pp. 5–6]. Uzbekistan's Ombudsman Law provides for financing from the State Budget through a separate budget line [2, Art. 51]. Whether the resources allocated are sufficient requires a separate assessment of workload, staffing and expenditure; the existence of a budget provision alone does not answer that question.

Second, a timely response is not the same as an effective remedy. The law already establishes response obligations. Consequently, a proposal merely to introduce deadlines would overlook existing legislation. A more useful direction is to evaluate whether responses explain the action taken, whether corrective measures are completed and whether applicants' rights are restored.

Future assessments could distinguish the proportion of instruments receiving timely responses, the proportion resulting in completed corrective action and the persistence of similar complaints after intervention. These are proposed evaluation criteria, not findings about current compliance rates.

Third, increased activity does not necessarily establish increased effectiveness. Complaint numbers may be influenced by awareness, accessibility, dissatisfaction or repeated applications. Similarly, monitoring totals indicate the extent of recorded visits but cannot alone establish their preventive impact.



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The temporal relationship between the sources also requires caution. The annual report covers 2024, while the new Ombudsman Law was enacted in November of that year. It would therefore be methodologically incorrect to attribute all reported activity during 2024 to the new legislation. Assessing the law's effects requires subsequent evidence and comparison over time.

Finally, accessibility and confidentiality should be considered together. Electronic submission is expressly permitted, but Article 25 also protects complainants' personal information [2, Arts. 19, 25]. Expanding access should therefore be accompanied by procedures that protect sensitive information and preserve non-digital routes for applicants who need them.

Conclusion

The Ombudsman occupies a distinct position in Uzbekistan's public administration system as an independent institution of parliamentary human rights oversight. Its constitutional and statutory foundations establish a complementary protection mechanism that neither replaces courts nor operates as an executive authority.

The 2024 Law provides a differentiated set of powers: complaint examination, court applications in citizens' interests, conclusions, formal response measures, parliamentary reporting, legislative proposals and preventive monitoring. Several instruments already carry mandatory consideration and response requirements. Their practical significance must therefore be evaluated through implementation rather than described solely in terms of non-binding recommendations.

The documentary evidence illustrates complaint handling, monitoring and legislative activity, but does not establish comprehensive institutional effectiveness. Further research should examine the quality of responses, implementation of corrective measures, protection against retaliation and the



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durability of remedies. The Ombudsman's contribution to accountable governance ultimately depends on whether its legally established powers produce identifiable improvements in the protection of rights.

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