



***THE EMBASSY OF THE REPUBLIC OF UZBEKISTAN  
TO THE KINGDOM OF BELGIUM  
MISSIONS TO THE EUROPEAN UNION AND NATO***

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**On the way to improve the judicial system**

On the eve of the celebration of the 24<sup>th</sup> Anniversary of the state independence of the Republic of Uzbekistan, summing up the past stage of the reforms and transformations, I would like to embrace glance at the accomplishments and achievements in various spheres of state and society.

As you know, one of the most important factors in the prosperity and progress of the country is the well-being of its citizens, which is inextricably linked with safeguards to protect their rights and interests, providing by a strong and fair judicial system.

A series of reforms has been carried out in Uzbekistan over the years of its sovereign development aimed at improving the judicial system, turning it into the main guarantee of the effective protection of human rights and ensuring a genuine independence of the judiciary. Concrete measures have been adopted and implemented in this direction.

In particular, in order to improve the quality of case consideration, the specialization of the courts on criminal, civil and commercial matters is fixed in accordance with the Law “On Courts”, as well as appeal order of case consideration is introduced.

Since January 1, 2008 in the country the institution of “Habeas Corpus” has been introduced. It expanded the powers of the courts, transferring them the right to issue sanctions for arrest from the prosecutors.

In this turn, the formation of the Research Center for democratization and liberalization of judicial legislation and ensuring the independence of the judiciary system under the Supreme Court is contributed to the further consolidation of one of the basic principles of the “Uzbek model” of development of the state and society – the rule of law. The main functions and tasks of the Centre are the development of measures to further liberalizing of the law and legal proceedings, preparation of proposals for further improvement of the justice system, raising the profile and strengthening the independence of

the judiciary, elimination the facts of meddling in the court activity, prevention illegitimate court decisions.

One of the most important activities of the Centre has become the elaboration and carrying out the programs thorough study and implementation of the universal principles and norms of international judicial law into the national legislation, expand the cooperation with international and foreign organizations in the sphere of justice.

Adoption of decrees of the President of the Republic of Uzbekistan “On measures to radically improve of social protection of the judicial system employees” of August 2, 2012 and “On the organizational measures for further improvement of the activity of the courts” of November 30, 2012 was an important step in strengthening the authority of the judiciary and the establishment of the effective system of the selection and appointment of judiciary employees, which based on modern democratic principles.

Adoption of the Order of the President of the Republic of Uzbekistan “On Improving the Activities of the Supreme Qualification Commission under the President of the Republic of Uzbekistan for the Selection and Recommendation for the Positions of Judges” of December 29, 2012, which approved a new Regulation on this Commission, has contributed to the adoption of urgent measures for radical improvement and further development of the system, organizational-legal mechanisms of selection, training nominees for the positions of judges, and for providing the genuine independence of the judiciary.

In addition, some changes has been accepted in the criminal procedure legislation, envisioning to exclude courts from the right to initiate criminal proceedings and to announce an indictment on them, which helped to ensure the objectivity, impartiality, strengthening the adversarial principle in criminal proceedings.

In order to improve the efficiency of computerization and use of computer technology, to create the information systems and resources in the courts the Cabinet of Ministers has adopted the Resolution № 346 “On Measures of Implementation into the Activities of Courts of Modern Information and Communication Technologies” of December 10, 2012. This step has facilitated the introduction of e-justice in the country, which is successfully applied in many countries.

So, the citizens have been granted the opportunity to send claims to the economic courts in electronic form. Furthermore, use of video conference in the activities of the economic courts between judges allows to accept the visitor via video conference, to oversee the trial processes and to accept the citizens by the head of economic courts. This, ultimately, allow to more effectively carry out the function of supervision over judicial activities, envisioned in Article 43 of the Law of the Republic of Uzbekistan “On Courts” of December 14, 2000.

Presidential Decree **“On measures to improve and enhance the effectiveness of the district and municipal courts of general jurisdiction”** of October 4, 2013 had a great importance to further improve and enhance the efficiency of the general jurisdiction courts, the implementation of measures to restore proper order and optimize workload in the courts. The document envisages an increase in the number of judges of the courts in civil cases, the redistribution of the number of regional and equivalent courts, as well as changes to the structure of the Supreme Court.

The large-scale work has been done in the field of liberalization of criminal and criminal procedural law.

The most important step in this direction was the abolition of the death penalty from January 1, 2008. In addition, the capital punishment - “life imprisonment” applies only in regard to 2 types of crimes - for terrorism and premeditated murder under aggravating circumstances, for which can be applied also alternative, less severe punishments.

As a result of further liberalization the list of serious crimes - grave and especially grave crimes moved to the category of crimes that do not pose great danger to society and less serious was reduced. It was introduced alternative sentences for crimes not related to deprivation of liberty. Economic sanctions in the form of fines, instead of imprisonment have been expanded the possibilities on criminal cases in economic sphere. Punishment in form of confiscation of property, that contradicts the principles of humanism, is excluded from the system of penalties for criminal offenses.

In addition, thanks to judicial-legal reform the institute of conciliation was introduced. It reflects the uniqueness of the mentality of our people and embodies such true folk traits and tradition as big-hearted and leniency, support of those who has stumbled. Today in our country there is an opportunity to use the institute of conciliation on 60 components of crime.

The rules of non-punishment of imprisonment under circumstances of compensation introduced to the Criminal Code also yield their positive results. After the liberalization of criminal penalties in regard to more than 26 thousand people who compensated damage, the sentences that no custodial have been applied.

Adopted on July 11, 2007 the Law “On amendments and additions to some legislative acts of Uzbekistan in connection with the transfer to courts the right to issue sanctions for arrest” with the procedural side secured a new mechanism for the order of application by courts of the amnesty at the stages of pre-trial and execution of criminal punishment. However, the Law “On amendments and additions to some legislative acts of Uzbekistan in connection with improvement of the order of application of the amnesty act”, which entered into force on December 23, 2008, was a logical continuation of the

phased transfer of the vessels work for the protection of constitutional rights and interests of citizens which is carried out under the leadership of the President of the State.

In connection with the introduction of court procedure on the termination of the criminal case on the basis of an amnesty the order of the decision to transfer the case to the court for conciliation or to discontinue criminal proceedings under the act amnesty has been included in the number of species the preliminary investigation referred to in Article 372 of the Criminal Procedure Code.

Another important point, - in accordance with the above-mentioned law, is that the Criminal Procedure Code was amended by Chapter 63 “Application of an amnesty on Pre-trial stage”, which consists of five articles, including a completely new procedures. Thus, the application of the amnesty act transferred in the powers of the objective body - the court.

On December 29, 2012 the Law providing for rules aimed at further strengthening the legal protection of businesses and liberalization of categorized signs of criminal offenses was adopted. In particular, the terms of removing a previous conviction for certain categories of crimes were reduced. Such categorized signs of the criminal offences as size of the economic damage were increased. In addition, the implementation of a mechanism, according to which criminal proceedings for certain categories of crimes committed by employees in respect of the legal entity that does not have the state share in the authorized capital, instituted only at the request of the head, the owner or the authorized body of such legal entity.

Introduction to the Code of Criminal Procedure as a preventive measure of house arrest was a logical continuation of reforms to liberalize the criminal law. It was established that house arrest is applied to persons whose detention is not appropriate to the circumstances of the case (positive characteristic of the person's age, marital status, etc.). This measure contributes to effective suppression of unlawful acts of the accused during the investigation without isolation in a closed institution, as well as their protection from the negative influence of criminal elements in places of detention.

It has a positive impact on the socio-political and criminal situation in the country the profound changes in the criminal-law practice.

Another important measure is a radical **reform of the institute of criminal records**. In connection with the removal of criminal records are canceled all its legal consequences, thus, created opportunities for protecting the rights and interests of persons who have served sentences for their involvement in entrepreneurial activities.

The scale and significance of our achievements in the field of human rights and interests through legal reforms are great. In this regard, it is

important to note that from the first years of independence **an announcement about act of amnesty** has been introduced.

In accordance with Articles 80 and 93 of the Constitution of the Republic of Uzbekistan, the act about amnesty is adopted each year on the basis of which, together with exemption from punishment, releasing of prisoners and returning of them to their families is also carried out health promotion amnestied persons, improve the living conditions and employment.

It should be noted that during the years of independent development in Uzbekistan an amnesty has been declared 25 times.

An important priority in the further implementation of judicial-legal reforms aimed on comprehensive ensure of effective protection of the rights and freedoms of the individual is the strengthening the institute of advocacy.

In order to further reform of the institution, which defines the main directions of its further reform on May 1, 2008 a Decree of the President of the Republic of Uzbekistan was adopted. As one of the institutions of civil society the Chamber of Advocates of the Republic of Uzbekistan that uniting all lawyers of the country was established.

The legislative framework regulating the activities of lawyers was significantly strengthened. In particular, a number of laws aimed at the improvement of the institution of advocacy and improve the quality of legal assistance to citizens were adopted.

Another integral part of the administration of justice is **the unconditional implementation of court decisions**.

In recent years in Uzbekistan a number of measures to improve the efficiency of enforcement implementation of judgments has been realized, **the system of the Department for Execution of Court Decisions, of logistical and financial provision of the courts under the Ministry of Justice of the Republic of Uzbekistan** has been significantly transformed. Regulatory framework in the field of judicial acts and acts of other bodies, toughened the responsibility for non-fulfillment of court decisions and impediment of their execution Has been improved.

The Law “On execution of judicial acts and acts of other bodies” legally established the system of execution of decisions of courts and other bodies, determined the order and characteristics of the process, secured the status of the judicial executor, as well as the legal guarantees of its activities.

On January 14, 2009 the Law “**On amendments and additions to some legislative acts of Uzbekistan in connection with improvement of the enforcement proceedings**” was adopted. It provides for the strengthening of measures in the sphere of responsibility of execution of court decisions, the establishment of an effective system of prevention, detection and suppression of crime, the strengthening of the organizational and legal framework for the Judicial Department and enhancement the status of judicial executors.

The logical continuation of reform of the judicial system is the realization of a number of legislative initiatives within the framework put forward by the Head of State the Concept of further deepening the democratic reforms and establishing the civil society in the country.

So, in order to strengthen judicial control during the inquiry and preliminary investigation, expanding the scope of the institute of "habeas corpus" in criminal proceedings the relevant law of the Republic of Uzbekistan was adopted on September 18, 2012.

On December 25, 2012 the Law “**On operative-search activity**”, by which enshrined the concept of the basic objectives and principles, bases, forms and methods of operational-search activity, defined bodies implementing it with the delineation of their powers, rights and duties established types of search operations and the order of their conduct was adopted. The law also fixed the social and legal protection of workers of bodies carrying out operational investigative activities, and persons assisting in its implementation, as well as their families.

On May 14, 2014 a law providing for the further strengthening of legal protection of business entities in several areas has been passed. According to the Law was made amendments to the Economic Procedural Code, that input the norms about that the cases on disputes involving citizens who have lost the status of an individual entrepreneur belong to jurisdiction of the Economic court. This law also secured amendments to the Law "On state control of economic entities", provides for the suspension of execution of the appealed act or decision of making a complaint to the court, except in special cases, pending the entry into force of the court.

As part of the Concept of further deepening democratic reforms and formation of civil society in the country has been also adopted the **Code of the Republic of Uzbekistan on Administrative Responsibility** in the new edition instead of the current dated 1994. The new Code provides for the transfer of certain offenses from criminal to administrative jurisdiction and measures to improve and democratization of procedural mechanisms to deal with cases of administrative offenses.

**Thus, the implementation of the objectives of the Concept, will strengthen the guarantees of judicial protection of the rights, freedoms and legitimate interests of citizens. In general, the successful reform of all areas of the judicial-legal sphere will be not only the result but also the key to democratization and liberalization of society and the state. It actually helped to ensure further progress of the state of the chosen path “from strong state to strong civil society”.**