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Agenda item 69

**Promotion and protection of human rights**

**Letter dated 20 November 2013 from the Chargé d'affaires a.i.  
of the Permanent Mission of Uzbekistan to the United Nations  
addressed to the Secretary-General**

I have the honour to convey to you information on the judicial and legal reforms in Uzbekistan (see annex).

I would appreciate it if you would circulate the present letter and its annex as a document of the sixty-eighth session of the General Assembly, under agenda item 69.

(Signed) Ildar **Shigabutdinov**  
Chargé d'affaires a.i.



**Annex to the letter dated 20 November 2013 from the  
Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan  
to the United Nations addressed to the Secretary-General**

**Judicial and legal reform in Uzbekistan — achievements and results**

Since the first days of its independence, Uzbekistan, at the initiative of President Islam Karimov, has been consistently carrying out historically significant reforms to establish an independent judicial branch, democratize and liberalize the judicial and legal system and enhance the effectiveness and quality of the administration of justice. They are based on such noble goals as the maintenance of peace and order in society and the protection of the rights, freedoms and legitimate interests of citizens.

Reliable legal guarantees for the democratic reforms in Uzbekistan are provided for under the Constitution and legislation, which implement the generally recognized norms and principles of international law. The Republic is a party to more than 70 human rights instruments and basic United Nations international agreements in this field and has consistently and resolutely carried out its international obligations. A national action plan was adopted and is being successfully implemented in order to carry out the recommendations put forward by the Human Rights Committee on the universal periodic review.

Article 14 of the International Covenant on Civil and Political Rights provides that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. In Uzbekistan also, in cases of disagreement with a decision by a court of first instance citizens have the possibility of defending their rights and interests in court of appeal or cassation with the participation of a lawyer. The establishment of a new procedure for considering complaints against decisions by a court of first instance has become a guarantee ensuring the timely correction of its errors and precluding delays in court activities. It is indicative that in 2000 almost half of the errors committed by courts were corrected by verifying the legality of the decisions taken by them. According to the results of the first nine months of 2013, 89 per cent of such errors were corrected in the appeal and cassation procedure.

The abolition of the death penalty in Uzbekistan on 1 January 2008 was an act of exceptional importance in the process of liberalizing the judicial and legal system, which garnered widespread attention in the world. In taking this decision, the Republic was of the view that the right to life is inalienable and is protected by the Constitution.

The introduction of the institution of “habeas corpus”, that is, the transfer as from 2008 from the prosecutor to the courts of the right to authorize detention as a preventive measure was also an important step. Time has demonstrated its timeliness and correctness. The institution serves as an important factor in defending the constitutional rights and freedoms of the individual and his inviolability.

The institution of reconciliation, which provides for the possible exemption from liability in connection with the reconciliation of the parties, has been put into practice. Initially, it was applied in relation to offences linked to infringement of the inviolability of the individual, public safety and public order. Subsequently, it was

extended also to other offences against the basis of the economy. At the present time, the institution of reconciliation is applied to more 50 types of offences. Since it has been in existence, cases against more than 147,000 citizens have been dismissed.

The possibility of imposing punishment in the form of a fine instead of arrest and imprisonment in cases involving offences in the economic sector has been significantly expanded. Since the liberalization of punishment, more than 25,000 persons who had provided compensation for material damage were given penalties that did not involve imprisonment.

The concept of further deepening the democratic reforms and the formation of civil society in the country, under which the head of State put forward important legislative initiatives, gave enormous impetus to the reform of the judiciary. Thus, at the present time in the Republic such measures of procedural coercion as dismissal from work and the placing of a person in a medical institution can be taken only with the approval of a judge.

The corresponding amendments and additions were made to articles 321 and 439 of the Criminal Procedure Code, which exclude the right of a court to institute criminal proceedings and impose the obligation to make public an indictment in a case in a court of first instance only on the public prosecutor. This was done in order to bring national legislation into line with the norms of international law and article 19 of our country's Constitution. As is well known, under article 10 of the Universal Declaration of Human Rights, everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

An important reform of the criminal law institution of conviction records was carried out. Article 78 of the Criminal Code provides for general time limits for expunging a conviction. A conviction is expunged with regard to conditionally convicted persons upon the expiration of a probationary period, after serving a sentence in the form of a limitation on service or confinement to disciplinary barracks; one year after the payment of a fine or after serving a sentence of deprivation of a certain right or corrective labour; two years after serving a sentence in the form of detention; four years after serving a sentence of imprisonment for no longer than five years; seven years after serving a sentence of imprisonment for more than five years but less than 10 years; 10 years after serving a sentence of imprisonment for more than 10 years but less than 15 years.

Article 79 of the Code provides that, if after serving a sentence of imprisonment, the person has not been subject to administrative punishment or disciplinary pressure, upon a request by a public association, a citizens self-government body, a collective or the person himself who served the sentence, a court may expunge his conviction after the expiry of not less than half of the time limits set forth under article 78.

Article 79 was also supplemented by a section that provides that in the case of persons convicted of committing a number of offences against the basis of the economy, violations of the rules on trade or the provision of services, conducting activities without a license, discrediting a competitor and so forth, in the absence of sizable damage to the State, the conviction may be expunged by a court after the expiry of not less than one fourth of the time limits set forth under article 78.

The judicial and legal reforms were further promoted by improvements to the structures and the organizational basis of the courts and the strengthening of their human resource capacity. The Presidential Decree of 2 August 2012 on “measures for fundamentally improving the social protection of employees of the judicial system” provides for not only a significant increase in the salaries of judges of the Constitutional Court and the general and economic courts, but also the payment to them of monthly increments of up to 50 per cent of their salary. Judges are exempt from the personal income tax on incomes received by them in connection with the performance of their official duties; and provision is also made for granting them mortgage loans for acquiring housing under favourable conditions and the payment of monthly monetary compensation for leasing residential accommodations.

In addition, in implementing the Decree, the Cabinet of Ministers adopted the programme for establishing contemporary information and communication technology courts. The programme is designed to increase the level of computerization and the effective use of computer technology, create information systems and resources in courts, broaden the sphere for providing interactive services to entrepreneurial entities and the population and, most importantly, introduce electronic court proceedings, which are successfully being used in many countries.

Electronic court proceedings are a modern form of conducting judicial activities based on the widespread use of information and communications technology (ICT) in the administration of justice. The advantages lie in improving the quality of court proceedings, reducing court expenses and providing conveniences for the parties. In particular, this institution makes it possible to submit to a court and receive from it various documents in electronic form. It is possible to follow the course of case on the Internet, participate in judicial hearings by means of video-conferencing and learn about court decisions online. Introducing information and communication technology into court proceeding will make it possible to enhance the effectiveness of record keeping and reduce the use of paper documents and the time for considering appeals.

We should like to point out that an electronic management system has been set up within the framework of a pilot project at the base of the Zangiota Interdistrict Civil Affairs Court in the Tashkent region. It is being conducted by the Supreme Court together with the United Nations Development Programme office in Uzbekistan. With its assistance, many services will be provided in an interactive form. Appeals by citizens will be considered through the Internet as is the case with sending copies of court decisions and findings to the parties. All of this will undoubtedly have a positive effect on the administration of justice and the effective protection of the rights and interests of the individual.

The Presidential Decree of 30 November 2012 on “organizational measures for further improving the work of the courts” marked an important stage in the judicial and legal reform process.

It defined the tasks to be undertaken in fundamentally improving the system for selecting judges, particularly, the mechanism for establishing a reserve cadre.

Candidates for the post of judge must be selected from among well trained and highly qualified personnel with significant life experience, an impeccable reputation, sufficient length of specialized service, above all in the law enforcement agencies.

These requirements are also imposed on judges under the world-renowned Bangalore Principles of Judicial Conduct, according to which competence, diligence, honesty and integrity are essential conditions for the proper fulfilment by judges of their duties.

It has been determined that citizens of our country who are no younger than 30 years of age and have an advanced legal education and specialized work experience of no less than five years may be appointed as judges of interdistrict and district (municipal) civil and criminal courts and economic courts. Judges are appointed for a further term or to another judicial post on the basis applications submitted by them to the Higher Qualifications Committee directly through the Higher Qualifications Board of General Courts and the Qualifications Board of Economic Court Judges.

The Decree by the Head of State of 4 October 2013 on “measures to improve and enhance the effectiveness of the work of general district and municipal courts” is very important for the further improvement and enhancement of the work of general courts and for carrying out measures aimed at establishing proper order and optimizing the workload of the courts. The Decree provides for increasing the number of civil court justices to 71, redistributing the number of district courts and courts with equivalent status by transferring 23 judicial posts from courts with a lighter workload and also making changes to the structure of the Supreme Court.

The judiciary contributes to the building of a democratic, law-based State and a just civil society, bearing the responsibility for ensuring observance of the principle of the rule of law and the rights and interests of citizens and for enhancing their legal awareness and legal culture.

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