



Country: Uzbekistan

Initiation Plan

Project Title: Capacity building of Ombudsman Office of Uzbekistan

Expected CP Outcome(s): Outcome 8. Legal and judicial reforms further ensure strong protection of rights, freedoms and legitimate interests of citizens. Output 2. Capacities of NHRIs are strengthened (URP follow-up).

Initiation Plan Start Date: 25.05.2018

Initiation Plan End Date: 31.03.2019

Implementing Partner: Ombudsman of Uzbekistan

Brief Description

In 1995, under the Oliy Majlis of the Republic of Uzbekistan, the post of Commissioner for Human Rights (Ombudsman) was established, with the right to examine complaints of human rights violations. The activity of this body is carried out in accordance with the law "On the Authorized Person of the Oliy Majlis for Human Rights" (a new version was adopted on August 27, 2004).

The Commissioner for Human Rights of the Oliy Majlis plays an important role in exercising supervisory functions to ensure compliance with human rights law. The Ombudsman contributes not only to restore the violated rights, but also to improve the legislation of the Republic of Uzbekistan. The number of complaints to the Ombudsman and the positive resolution of the issues shows the citizens' confidence in this body. In August 2017, a number of amendments were introduced into the Law on Ombudsman taking into account the advanced foreign experience and international practice. However, there is still a need for further improvement of the Ombudsman's activities. In particular, UN Human Rights Committee notes that the Ombudsman does not conform to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2). The UN human rights bodies provide a number of recommendations in this regard. This IP will design a new Project to contribute to fulfilment of these recommendations

Programme Period: 2016-2020

Project ID: 00111854
Output ID: 00110660

GEN2

Total resources required \$40,400

Total allocated resources: \$ 40,400

Donor/IRH \$40,400

Agreed by UNDP:

Helena Fraser, UNDP Resident Representative

I. PURPOSE

A short description justifying the need for an Initiation Plan for this project.

In accordance with the Vienna Declaration and Program of Action, national human rights institutions have been established in Uzbekistan.

In 1995, under the Oliy Majlis of the Republic of Uzbekistan, the post of Commissioner for Human Rights (Ombudsman) was established, with the right to examine complaints of human rights violations.

The activity of this body is carried out in accordance with the law "On the Authorized Person of the Oliy Majlis for Human Rights" (a new version was adopted on August 27, 2004).¹

The Commissioner is guided by the Constitution of the Republic of Uzbekistan, laws, other legislative acts, international treaties of the Republic of Uzbekistan, as well as universally recognized principles and norms of international law.

The Commissioner for Human Rights of the Oliy Majlis plays an important role in exercising supervisory functions to ensure compliance with human rights law. The Ombudsman contributes to the funds provided to him, in particular, not only to restore the violated rights, but also to improve the legislation of the Republic of Uzbekistan.

The main activities of the Ombudsman are:

- Consideration of citizens' complaints and restoration of violated rights;
- Improvement of legislation on human rights and bringing it into line with international law;
- Legal education of citizens in the field of human rights; development of international cooperation in the field of human rights.

Consideration of citizens' appeals, assistance in restoring their violated rights and freedoms is one of the priorities of the Ombudsman in carrying out their activities to further develop the interaction of the Ombudsman with state bodies, courts and law enforcement with a view to full and effective observance and protection of human rights and freedoms in Uzbekistan.

The Ombudsman is entitled to consider complaints of citizens of the Republic of Uzbekistan and foreign citizens and stateless persons residing on its territory and conduct their investigation on the complaint. The Ombudsman does not consider matters within the competence of the court. After checking the applicant's arguments, he sends his opinion to the relevant state body with his recommendations on restoring the applicant's rights.

On complaints received, the Ombudsman conducts independent investigations, based on the results of which recommendations for correcting the situation are sent to officials and state bodies.

The Ombudsman also takes part in monitoring the activities of penitentiary institutions.

The Commissioner has the right to become a member of international organizations for the protection of human rights, to develop cooperation with foreign institutions for the protection of human rights.

The Commissioner promotes the raising of awareness of international organizations and foreign institutions on the protection of human rights on the implementation of international treaties of the Republic of Uzbekistan in the field of human rights and freedoms.

The Ombudsman of Uzbekistan is a member of the International Institute of the Ombudsman, the European Institute of the Ombudsman and the Asian Association of Ombudsmen. An analysis of the development of international relations of the Ombudsman shows a significant increase in the interest of the world community in the reforms carried out in our country, adopted by legislative acts and state programs. The Ombudsman's participation in international forums contributed to the disclosure of Uzbekistan's experience in the field of ensuring human rights and freedoms. During the international events, the Ombudsman of the Oliy Majlis held meetings with ombudsmen of

¹ http://www.lex.uz/pages/GetAct.aspx?lact_id=276155

Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Japan, South Korea, Thailand, Lithuania, Latvia, Turkey and other countries.

The Commissioner participates in the preparation of reports of the Republic of Uzbekistan on the implementation of international treaties in the field of human rights and freedoms.

Since 2000, representatives of the Ombudsman have been functioning in all regions of Uzbekistan, which significantly enhance the effectiveness of his work, carrying out their own investigations on the complaints received by citizens, with visits to places, including places of incarceration.

In order to assist the Ombudsman in carrying out the tasks assigned, the Commission for the Observance of Constitutional Human Rights and Freedoms (hereinafter referred to as the Commission) is formed under the chairmanship of the Chambers of the Kengashes of the Chambers of the Oliy Majlis of the Republic of Uzbekistan. The composition of the Commission is formed from the representatives of non-governmental non-profit organizations, mass media, scientists having professional and practical knowledge in the field of human rights and freedoms. The Commission may also include representatives of executive bodies with an advisory vote.

The development and support of institutions for the protection of human rights is a priority of the state. To prove, the country has taken additional measures to strengthen national human rights institutions, bringing them in line with the Paris Principles by enhancing the legal status of the Ombudsman institution.

In 2017, the Commissioner for Human Rights of the Oliy Majlis received the right to appeal to the Constitutional Court on the verification of the constitutionality of laws and other normative and legal acts on human rights, the preparation of special reports on the situation in the sphere of ensuring the rights of certain categories of citizens, active participation in legislative activities and interaction with civil society institutions, strengthening of the system of regional representatives of the Ombudsman.

In order to eliminate the causes and conditions of violation of the rights of entrepreneurs, to strengthen the monitoring of the situation in this area, the institution of the Authorized Person under the President of the Republic of Uzbekistan to protect the rights and legitimate interests of business (Business Ombudsman) entities has been established.

The issue of introducing the Ombudsman's institution for the rights of children and youth in Uzbekistan, About the Commissioner under the President of the Republic of Uzbekistan for the Protection of the Rights of Children and Youth "²

Essential factors in the further improvement of the ombudsman's activity were the decisions taken by the President of the Republic of Uzbekistan Shavkat Mirziyoyev to radically improve the system of work with appeals of individuals and legal entities, the opening of the people's reception rooms of the President of the Republic of Uzbekistan, as well as the decrees of the head of state "On additional measures to ensure accelerated development of entrepreneurial activities, all-round protection of private property and a qualitative improvement of the business climate "and" On measures to further reform of the judicial and legal system, strengthening of guarantees for the reliable protection of citizens' rights and freedoms ". These innovations have a common goal - to ensure the outstripping development of the state and society, to create conditions for a dignified and prosperous life of citizens, effective implementation of their personal, political, social and economic rights, freedoms and legitimate interests. An equally important aspect characterizing the transformation of the last time is the high degree of openness of the state in the discussion of decisions, normative legal and program documents. This contributed to the consolidation of the creative potential of the society, allowed every citizen to become an active and effective participant in the course of large-scale reforms implemented under the leadership of the President of Uzbekistan. "Justice - in the rule of law" - this principle became the basis of the activity of the ombudsman. In 2016, the Ombudsman opened a virtual reception and a direct telephone number - 1096.³

² Национальный доклад, представленный в соответствии с пунктом 5 приложения к резолюции 16/21 Совета по правам человека* Узбекистан, Совет по правам человека Рабочая группа по универсальному периодическому обзору Тридцатая сессия 7-18 мая 2018 года. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/050/14/PDF/G1805014.pdf?OpenElement>

³ <http://senat.uz/ru/news/2017/27-03-4.html>

The Chief Administration for the Execution of Punishments jointly with the Commissioner for Human Rights of the Oliy Majlis of the Republic of Uzbekistan has drafted a regulation on the Representative of the Ombudsman of the Oliy Majlis for Human Rights in the Penitentiary Institution and Chief Department on execution of punishment (GUIN) of the Ministry of Internal Affairs of the Republic of Uzbekistan. The Ombudsman for the Rights of the Convicted Persons will assist in the activities of the Authorized Person of the Oliy Majlis for human rights for parliamentary control over the observance of the rights of accused, arrested and convicted, as well as employees of GUIN institutions of the Ministry of Internal Affairs of the Republic of Uzbekistan. The Ombudsman for the rights of convicted persons will be controlled and accountable to the Commissioner for Human Rights of the Oliy Majlis.⁴

The annual statistics of complaints and analysis of their content and decisions are reported in the form of a report to both chambers of the Oliy Majlis of the Republic of Uzbekistan and published on the Internet.

The number of complaints to the Ombudsman and the positive resolution of the issues shows the citizens' confidence in this body. The National Center for Human Rights also examines complaints from the public about violated rights, which is part of the monitoring in the activities of the Center.⁵

In 2017 a series of expert meetings was held on broad discussion of the draft Law of the Republic of Uzbekistan "On Amendments to the Law of the Republic of Uzbekistan" On the Commissioner for Human Rights of the Oliy Majlis of the Republic of Uzbekistan (Ombudsman), initiated in accordance with the State Program for the Implementation of the Action Strategy in Five Priority Areas of Development of the Republic of Uzbekistan in 2017-2021 in the "Year of Dialogue with the People and Human Interest".

For the period from August 1, 2017 - till the day of adoption of the draft law by the Lower chamber of the parliament in the first reading, 11 events are organized at the national and regional levels. They were attended by more than 1 thousand deputies of local Kengashes of People's Deputies, experts and experts of state and public organizations, scientists of educational and research institutes.

In addition, the active participation of citizens in the discussion of the draft law was facilitated by its posting on the official website of the Ombudsman www.ombudsman.uz. Particular attention is paid to attracting experts from international and foreign organizations to the discussion. In this regard, the current law on the Ombudsman and the draft Law on Amendments and Amendments were translated into English and sent to partners.

In general, in the course of broad discussion of the draft law, 247 proposals were received, incl. to the Ombudswoman's e-mail - 52, by a direct phone number - 46 and during the conducted activities 149 proposals.⁶

The bill took into account the provisions of the main international legal act in this field - "Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)", approved by the UN General Assembly resolution 48/134 in 1993, as well as good foreign practice.

During the development of the draft law, the experience of 44 democratic countries of the world, including 15 EU countries, 7 CIS countries, 5 APR countries, as well as the USA, Canada, Mexico and a number of other states was studied in detail. In this context, the draft law introduces provisions on the right to submit special reports of the Ombudsman to certain areas of human rights and freedoms, the possibility of participation of representatives of executive authorities in the activities of the Commission for the Observance of Constitutional Rights and Freedoms under the Ombudsman with a consultative vote, and measures to ensure transparency of financial expenditures.⁷

⁴ UN HRC. The third periodic report of Uzbekistan. 2008.

⁵ Ibid.

⁶ http://ombudsman.uz/ru/press_center/news/ombudsman/sostoyalas-mezhdunarodnaya-ekspertnaya-vstrecha-po-aktualnym-voprosam-sovershenstvovaniya-organizats/

⁷ http://ombudsman.uz/ru/press_center/news/ombudsman/proekt-zakona-predusmatrivayushchiy-sovershenstvovanie-pravovykh-osnov-deyatelnosti-ombudsmana-prosh/

In August 2017, the law was adopted and approved by the Senate.⁸ According to the changes, the Commissioner can consider complaints of citizens of Uzbekistan and foreigners and stateless persons on the territory of the Republic on actions or inaction of organizations or officials that violate their rights, freedoms and legitimate interests, and has the right to conduct their investigation.

Complaints can be filed orally, in writing or electronically.

The Ombudsman does not consider anonymous appeals and issues referred to the competence of the court.

The Commissioner has the right to check the facts on his own initiative, if there is information about human rights violations.

Also, the Ombudsman can send petitions to the relevant authorities with a request to bring to justice those who violate human rights and apply to the courts with applications and claims in the interests of citizens.

In addition, detainees can be contacted by the Commissioner for Human Rights by sending him a written application. Such appeals are not censored. The administration of penal institutions must send letters of prisoners in a sealed form not later than twenty-four hours, and telegrams immediately. The response of the authorized representative is not subject to review and is immediately delivered to the applicant.

At the same time, there is a need for further improvement of the Ombudsman's activities. In particular, the UN human rights bodies provide a number of recommendations in this direction. For example, the UN Human Rights Committee notes that the Ombudsman and the National Center do not conform to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

In this regard the Committee recommends:

- (a) to strengthen the independence, in law and in practice, of existing human rights institutions in compliance with the Paris Principles (General Assembly resolution 48/134, annex);
- (b) to consider applying for accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (now GANHRI).⁹

The Committee urges the State party to establish an independent and adequately resourced national human rights institution in accordance with the Paris Principles.

Similar recommendations are given by other UN bodies on human rights. In particular, CESCR¹⁰ and CERD.¹¹

This IP is launched to ensure the preparatory activities which are essential for further development of full fledged project document with the focus on strengthening the capacity of the NHRI. Such activities include conducting the capacity assessment of the Ombudsman's Office that would provide baseline inputs for developing more elaborated and evidence-based programmatic activities and development interventions in this area. As the assessment also promotes the compliance with the Paris Principles, this IP will additionally contribute to the country's preparation for GANHRI accreditation process.

As the essential first step for capacity assessment is to ensure that the NHRI is fully committed, awareness raising activities will be conducted within IP on the capacity assessment methodologies and Global Principles, as well as their importance in bringing the NHRIs in compliance with Paris Principles. Such activities will serve as a platform to build the capacities of key stakeholders on international requirements for NHRIs. Moreover, this stage will give a change to UNDP to test the waters on building the future cooperation with Ombudsman's office.

Global practice shows that as independent state bodies with a broad mandate to promote and protect human rights, NHRIs can play a significant and necessary role in promoting and protecting the rights of women and girls. NHRIs are recognised as a major force for promotion and protection

⁸ Закон «О внесении изменений и дополнений в Закон Республики Узбекистан «Об Уполномоченном Олий Мажлиса Республики Узбекистан по правам человека (омбудсмане)» Принят Законодательной палатой 18 августа 2017 года, Одобрен Сенатом 24 августа 2017 года. <https://www.gov.uz/ru/news/view/11930>

⁹ UN HRC. Concluding observations on the Fourth periodic report of Uzbekistan. 2015

¹⁰ UN CESCR. Concluding observations on the Second periodic report of Uzbekistan. 2014

¹¹ UN CERD. Concluding observations on the Eighth-Ninth periodic report of Uzbekistan.2014

of human rights at the domestic level – in many cases helping to lessen the “implementation gap” between international standards and the practice of human rights on the ground.

In view of the importance of NHRI’s role in promotion and advancement of women’s rights, through the conduction of capacity assessment within this IP and in formulating the full-fledged project document, UNDP will try to bring stronger gender lens to the work of the Ombudsman. Throughout the assessment process, the UNDP will give more emphasis on gender aspect of the NHRI’s such core functions as monitoring Government and other actors including business and non-state actors, upholding human rights; promotion and advocacy, individual and systemic complaints handling, human rights education, making recommendations on law reform and working with civil society. It is believed that gendered approach in performing above functions can contribute significantly to the elimination of discrimination against women, the advancement and attainment of their rights and status.

The purpose of the IP is development of a full-fledged project document that will focus on strengthening the capacity of the Ombudsman and ensuring that its activities comply with the Paris Principles. Special emphasis in this regard will be given to bringing stronger gender lens into the work of the Ombudsman institution.

Main proposed activities within the framework of the IP:

- Assessment of the capacity of the Ombudsman institution (based on the Global Principles for the assessment of the Capacity of OHCHR-UNDP-NHRAP NHRI) to better understand:
 - What does the NHRI do well?
 - What does the NHRI need to do better to be more effective in undertaking its mandate?
 - What strategies and actions can be taken to build the required additional capacity?
- Raising awareness and capacity building of the Ombudsman institution on Paris Principles and GAHNRI accreditation process and requirements, which will contribute to strengthening the role of the Ombudsman in line with Paris Principles;
- Design a project document with at least Gender Marker 2 on further strengthening the capacity of Ombudsman to ensure its compliance with Paris Principles.

II. EXPECTED OUTPUT

A description of the expected output for the Initiation Plan.

The IP shall produce the Project Document to ensure the following :

- *conformity to the/compliance with the Paris Principles;*
- *enhancing the effectiveness of the Ombudsman's activities and improvement of the quality and gender sensitivitiy of handling appeals;*
- *improvement of material and technical support and increase of human resources;*
- *international accreditation with the GANHRI and expansion of international cooperation;*
- *increase of confidence in this institution;*

Partnership with OHCHR

Within the framework of this IP, it is envisaged that OHCHR will provide the analytical and technical expertise, country cases and international review and analysis on following:

- Participation in joint research and meetings
- Providing advice on monitoring

III. MANAGEMENT ARRANGEMENTS

A short description of the individuals, organisations, and/or team structure required to conduct the activities of the Initiation Plan.

Use the diagram below for the composition of the Project Board, if there is a need to establish such a board depending on the size and scope of the Initiation Plan. Please refer to the section "Programme & Project Management Organization Structure".

The project activities will be implemented according to the UNDP procedures for direct implementation (DIM). The project will be implemented by UNDP in close cooperation with respective line ministries, national human rights institutions, law enforcement agencies and national think-tanks.

The Project Board is the group responsible for making by consensus management decisions for a project when guidance is required by the Project Manager (PM), including approval of project plans and revisions. In order to ensure UNDP's ultimate accountability, Project Board decisions should be made in accordance with standards that shall ensure best value for money, fairness, integrity transparency and effective international competition.

Based on the approved annual work plan (AWP), the Project Board may review and approve periodic project plans when required and authorizes any major deviation from these agreed plans. The Project Board ensures that required resources are committed and arbitrates on any conflicts within the project or negotiates a solution to any problems between the project and external bodies. The Project Board, if necessary, will also decide on the reallocation of project budget among its activities based on the respective request made by the Project manager. In addition, it approves the appointment and responsibilities of the PM and any delegation of its Project Assurance responsibilities.

Project Manager has the authority to run the project on a day-to-day basis on behalf of the Project Board within the constraints laid down by the Board. The PM is responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility is to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost (see Annex B2 for details).

Project Assurance is the responsibility of each Project Board member; however the role can be delegated. The Project Assurance role supports the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. Project Assurance has to be independent of the Project Manager; therefore the Project Board cannot delegate any of its assurance responsibilities to the Project Manager.

In accordance with the provisions of the letter of agreement between UNDP and the Government of Uzbekistan signed on 30 April, 2010 and the approved Country Programme Action Plan 2010-2015, the UNDP country office shall provide support services for the Project as described below.

Direct UNDP Country office Support Services to the Programme Implementation

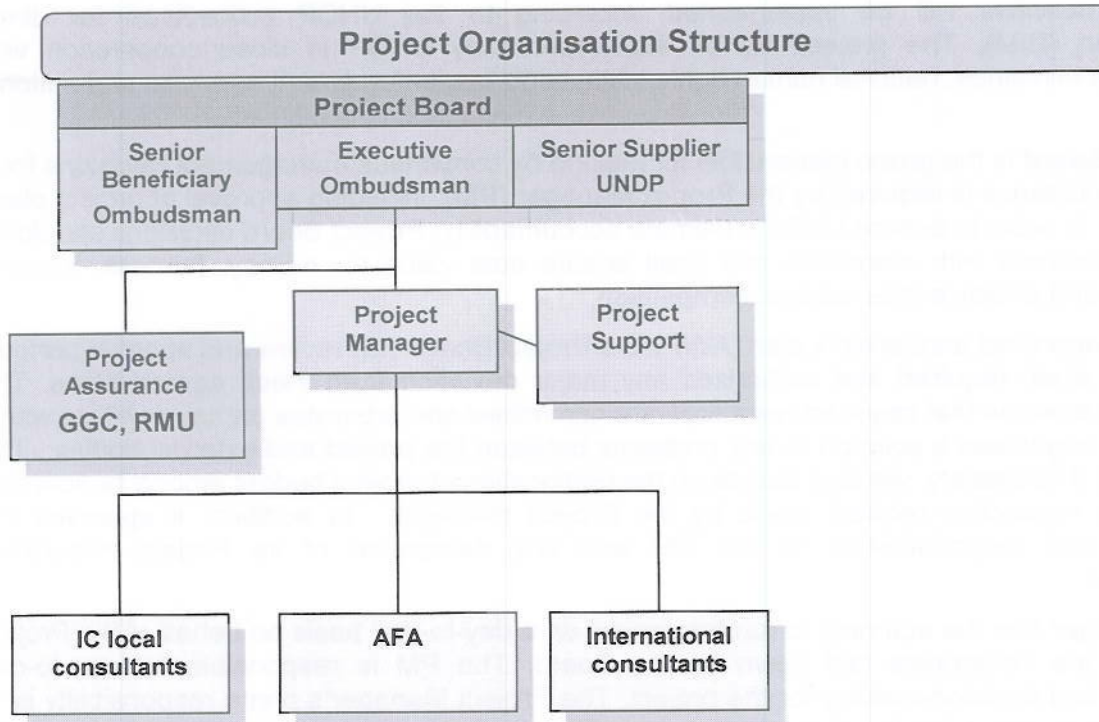
UNDP Country Office will provide the following support services for the project activities:

- Identification and/or recruitment and solution of administrative issues related to the project personnel;
- Procurement of commodities, labour and services;
- Identification and facilitation of training activities, seminars and workshops;
- Financial monitoring and reporting;
- Processing of direct payments;
- Supervision of project implementation, monitoring and assistance in project assessment.

When providing the above support services, the UNDP Country Office will recover the costs for providing Implementation Support Services on the basis of actual costs and transaction fee based on the Universal Price List. According to the corporate guidelines, these costs are an integral part of project delivery and, hence, will be charged to the same budget line (account in AWP) as the project input itself.

The procurement of goods and services and the recruitment of project personnel by the UNDP country office shall be in accordance with the UNDP regulations, rules, policies and procedures.

The relevant provisions of the Standard Basic Assistance Agreement (SBAA) between the Government of Uzbekistan and the UNDP, signed by Parties on 10th June 1993, including the provisions on liability and privileges and immunities, shall apply to the provision of such support services. Audit of the project will be conducted as per UNDP procedures and requirements.



IV. MONITORING

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

Within the annual cycle

- On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.
- An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- Based on the above information recorded in Atlas, a Quarterly Progress Reports (QPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.
- a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project

- a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

Annually

- **Annual Review Report.** An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.
- **Annual Project Review.** Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

V. ANNUAL WORK PLAN

Year: 2018

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME 2018				RESPONSIBLE PARTY	PLANNED BUDGET		
		Q1	Q2	Q3	Q4		Funding Source	Budget Description	Amount
<p>Output 1</p> <p>Capacity development of Ombudsman to comply with the Paris Principles.</p> <p>Baseline:</p> <p>There is a need for further improvement of the Ombudsman's activities. The UN human rights bodies express their deep concern and provide a number of recommendations in this regard.</p> <p>Indicator: Availability of capacity assessment in line with GANHRI methodology</p> <p>Target: Project document, based on results of capacity assessment, on strengthening the capacity of the Ombudsman in line with Paris Principles</p>	<p>1. Activity Result. Strengthening the role of the Ombudsman in line with Paris Principles and development of the draft Project Document</p> <p>Actions:</p> <ul style="list-style-type: none"> - Assessment of the capacity of the Ombudsman institution (based on the Global Principles for the assessment of the Capacity of OHCHR-UNDP-NHRAP NHR); - Raising awareness and capacity building of the Ombudsman institution on Paris Principles and GANHRI accreditation process and requirements, which will contribute to strengthening the role of the Ombudsman in line with Paris Principles; - Design a project document with at least Gender Marker 2 on further strengthening the capacity of Ombudsman to ensure its compliance with Paris Principles. 		X	X	X	UNDP, Ombudsman Office			
							Inter.cons71200 Nat.cons.71300 SC 71400 Travel 71600 Events 72100 Printing 74200 DPC74596 DPCstaff64397 Misc74500 GMS 75105	\$10,000 \$7000 \$2000 \$13000 \$2000 \$1000 \$1000 \$1000 \$400 \$3000	
TOTAL									\$40,400