



Legislation on openness of activities of state organs in Uzbekistan¹

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The Law of the Republic of Uzbekistan (hereinafter – RUz) on openness of the activities of organs of state power and administration was adopted in April 2014² (hereinafter – Law on openness or Law). This article aims at reviewing the law enforcement practice of this Law.

The Law on openness contains a lot of progressive provisions in accordance with the best international practice. For example, only the law and not the officers themselves may define information, which has a limited access (article 6), as a general rule, the collegial meetings of the state organs are open to the public and mass media, all state organs must have internet resources, post and regularly update information on their websites about their activities, information which shall be posted on the websites must be of considerable volume and so on. However, it is not a secret that even the best text of the law does not always guarantee the best enforcement practice. In case of the Law on openness, one may state, that the Law has considerably influenced practice, by making state organs' activities more transparent and accountable to the citizens.

In order to implement the Law on openness a lot of by-laws have been adopted, which provided details of the responsibilities of the state organs implementing this Law. The main by-law directed at implementing the Law was the resolution of the Cabinet of Ministers of RUz.³ This resolution sets the list of concrete measures which implement the Law, indicating the executors and the terms, determines the sources of financing of the Law implementation. The adoption of this resolution demonstrated the presence of the political will at the highest level in order to make the activities of state organs more transparent.

Moreover, the resolution created the Public council on coordination and monitoring of the activities aimed at ensuring the openness of the activities of organs of state power and administration, which consists of the representatives of the biggest non-governmental non-commercial organizations (hereinafter – NNOs) in Uzbekistan (hereinafter – Public council). The task of the Public council is to

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² Law of RUz "On openness of the activities of organs of state power and administration", dated 10 April 2014.

³ Resolution of the Cabinet of Ministers of RUz "On the implementation of integrated measures, directed at the enforcement of the provisions of the Law of the Republic of Uzbekistan on openness of the activities of organs of state power and administration", dated 6 November 2015, # 320.

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assist the Law implementation process. The Public council developed the Methodology of monitoring and evaluation of openness of activities of organs of state power and administration (hereinafter – Methodology of monitoring) and the Regulations ensuring the openness of the activities of organs of state power and administration. These are well developed documents, in accordance with the best international practice. Based on these documents, the Public council started implementing measures for monitoring and evaluation of the effectiveness of the Law execution and making suggestions for the strengthening of its effectiveness. Two times a year (as of 1 January and 1 July), the Public council prepares analytical reports on the evaluation results and submits them to the Cabinet of Ministers of RUz.

In accordance with the Methodology of monitoring starting from 2017, an “index of openness” of organs of state power and administration is being calculated and published in Uzbekistan. It represents a consolidated indicator of the quality of the implementation process of the legislative norms of the law on openness in a given state organ.⁴

The analysis of the rating indicators of the “index of openness” as of 1 January 2017 demonstrates that in general organs of state power and administration work hard to ensure effective implementation of the Law on openness and create necessary conditions for providing access of the citizens to the publicly important information which is in domain of state organs. The activity of state organs ensuring their openness became more dynamic since the implementation of measures stipulated in the State program of the Year of dialogue with people and individual interests,⁵ which will be discussed in more details below.

At the same time the rating indicators demonstrate, that some state organs do not yet pay enough attention to these issues, at times ignore the requirements of the Law on openness and violate the informational rights of the citizens.

47 organs of state power and the indicators ensuring the openness of their activities are included in the “index of openness”. The monitoring measures of the “index of openness” of state organs, implemented by the Public council, are an effective tool of the social supervision, a mechanism of activation of participation of civil society in the processes of strengthening the effectiveness of the system of state administration. The monitoring results may be used by the organs of state power and administration in order to improve their activities in establishing close communication ties with public, working out a development strategy of effective corporate informational policy. The final ratings of the “index of openness” are posted on the official website of the Public council (www.ochiqlik.uz).⁶

⁴ “Procedures and mechanisms of the monitoring system and evaluation of openness of the activities of organs of state power and administration”, 11 November 2016, <http://parliament.gov.uz/ru/events/committee/18735/>

⁵ On 7 December 2016 at the ceremonial meeting devoted to the 24th anniversary of the Constitution of RUz, the President of RUz proposed to call the year 2017 – the Year of dialogue with people and individual interests.

⁶ “Index of openness – factor of effectiveness”, 14 April 2017, <http://parliament.gov.uz/ru/events/committee/22567/>

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In order to enforce the Law on openness, more than 40 ministries and departments, other state organs, hakimiats created their websites.⁷ Furthermore, the frequency of updates and the volume of information are constantly increasing.⁸ The Law stipulates that the frequency of information updates should not be less than once a week.⁹

The Model regulation on the order of the presence of data users at the open collegial meetings of the organs of state power and administration was also adopted to enforce the Law.¹⁰

Public councils were also founded in several ministries and hokimiyats with the participation of NNOs' representatives. Public councils are required¹¹ to submit analytical reports on the status of openness of the activities of organs of state power and administration as well as concrete proposals on further improvement of transparency of state organs to their superior organs not less than twice a year.

State officials have regular reception days and hours for citizens, when the latter have an opportunity to raise their existing problems.¹² Government directed heads of state organs to receive citizens and entrepreneurs personally every day from 8 to 11 o'clock on the matters of interest to them.¹³

The Unified portal of interactive state services (UPISS)¹⁴ is operating, which contains information on state services, drafts of normative legal acts (NLA) for public discussion, contact information of all state organs, FAQs in different spheres of interest, and provides an opportunity to submit an appeal, etc. The website is truly operational and constantly being updated. As of 8 February 2017 the website received 1,000,000 appeals from citizens. One of the main features of the UPISS is the module "Statistics", which provides actual information on the status of consideration by the state organs of users' requests and appeals. This module is directed at providing transparency and openness of the activities of state organs, which will further ensure the rise of effectiveness of interactions between state organs and the people of the republic. Via UPISS one can receive more than 260 interactive services provided to the people and entrepreneurs in 23 directions. More than 600 state organs and their structural departments are connected to the UPISS.¹⁵

Since UPISS was designed to provide state services to the individuals and legal entities in electronic form, it became vital to create a separate platform in the internet to discuss NLA drafts and to evaluate

⁷ For example, the website of the Ministry of justice of RUz: <http://www.minjust.uz/ru/>; the website of the Government of RUz: <https://www.gov.uz/ru>

⁸ On 25 May 2017, the website of the Ministry of justice of RUz contained information on the activities of the ministry as of 23 May 2017.

⁹ The Law on openness, article 13 part 5.

¹⁰ Developed by the Ministry of development of information technologies and communications of RUz and Uzbek press and information agency, was registered by the Ministry of justice of RUz on 22 December 2015 # 2742 (Model regulation # 2742).

¹¹ Model regulation # 2742.

¹² The Law on openness, article 13 part 2 and article 14 part 2.

¹³ "The Prime-Minister directed heads of state organs to receive citizens and entrepreneurs personally every day from 8 to 11 o'clock on the matters of interest to them", 3 November 2016, <http://ru.sputniknews-uz.com/politics/20161103/4040651/Uzbekistan-Mirziyev-grajdane.html>

¹⁴ <https://my.gov.uz/>, was launched on 1 July 2013.

¹⁵ "UPISS in Uzbekistan has set a new record", 25 July 2016, <https://my.gov.uz/ru/news/view/255>

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acting NLAs. Therefore, in May 2015 a new portal SOVAZ was launched.¹⁶ This portal provides more opportunities for state organs – NLA drafters, as well as for portal users. At the same time for the registration on the portal it is sufficient to have an UPISS account. The NLA evaluation section contains a possibility to support the most favorable comment, including for each article of the law under discussion. After the discussion is over, all comments are analyzed by an organ responsible for the NLA draft preparation and the most valuable proposals are considered in the new draft of the law.¹⁷ Up to date 1313 NLAs are posted on the portal. A detailed statistics is given on each NLA, as well as on the number of comments given and taken into account by the drafters.

It is worth to mention the creation and functioning of the Portal of open data of RUz in 2015.¹⁸ The portal is functioning in the framework of the Resolution of the Cabinet of Ministers of RUz #232 dated 7 August 2015 “On measures of further improvement of the Governmental portal of the Republic of Uzbekistan in the Internet with the consideration of provision of open data”. This portal contains information and data on the activities of state organs in the form of open data. Thus, transparency of the work of state organs is ensured and a possibility of social supervision is guaranteed. 123 different organizations and state organs post information about their organizations and their activities on this portal.

Since the inauguration of the new President of RUz, Mr. Shavkat Mirziyoev, a number of progressive NLAs, directed at ensuring the openness of the activities of state organs, was adopted.

One of the first decrees, signed by the President, was the Decree adopted on 28 December 2016 entitled “On measures of fundamental improvement of the system handling appeals of individuals and legal entities”. The decree notes that the Virtual reception of the Prime-Minister, opened in September 2016, became an effective mechanism of interaction between organs of state power and administration, organs of economic management, hokimiyats at all levels and citizens, which allows solving the most vital problems of the population. At the same time, the decree states that the activity of the Virtual reception revealed “a number of systematic violations in the organization of work of state organs handling the appeals, connected with the violations of the order and terms of consideration, appearance of formalism, bureaucracy and red tape”.¹⁹

To continue the work on the practical implementation of the principle “Not people should serve state organs, but state organs should serve people”, and taking into account positive public feedback about the work of the Virtual reception of the Prime-Minister, the Decree of the President of RUz established the People’s reception of the President and the Virtual reception of the President on the basis of the Reception of citizens under the Administration of the office of the President. People’s receptions were also established in the Republic of Karakalpakstan, oblasts and in Tashkent, as well as in every district and city (except for district-level towns). The main tasks of these receptions are establishment of a direct dialogue with population, ensuring a new effective and well-functioning system of handling the

¹⁶ <https://regulation.gov.uz/ru>

¹⁷ <https://regulation.gov.uz/ru/pages/about>

¹⁸ <https://data.gov.uz/>

¹⁹ “People’s receptions of the President will be opened in every town and district”, 28 December 2016, <https://www.gazeta.uz/ru/2016/12/28/decree/>

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appeals of individuals and legal entities on the basis of complete, objective and timely consideration of appeals (and referring them to the relevant state organs and organs of economic management as matters falling within their remit), as well as systematic monitoring and control over the appeals consideration. At the same time modern information communication technologies will be applied (including usage of a videoconference link), introducing a unified electronic information system of data input, collation, systematization and control. Within the Office of the President an Office of control and coordination of the work handling appeals of individuals and legal entities was founded, which was reorganized in 2017 into the Office of protection of human rights, control and coordination of the work handling appeals of individuals and legal entities under the Office of the President (hereinafter – Office of protection of human rights).

The Virtual reception of the President of RUz,²⁰ has been operating since nine months. As pointed out above, the Virtual reception of the Prime-Minister, which had been operating since the end of September 2016, was reorganized into the Virtual reception of the President on 23 December 2016. During the period from September 2016 till January 2017, more than 334 thousand appeals have been considered (as of 24 January 2017 the total number of appeals was 409 thousand) and this number undoubtedly demonstrates the portal's role in the society.²¹ Starting from 2017 the Virtual reception of the President received 315 thousand appeals. The people's receptions of the President, opened throughout the country, received more than 47 thousand citizens. Despite the fact that many problems raised by the citizens are being solved, one can still observe reckless and irresponsible attitude of some heads on the ground to the vitally important needs and fair demands of the people. Irrespective of the fact that 70% of the complaints are within the competency of local organs of state power and administration, the problems raised still remain unsolved. Therefore, individuals and legal entities are forced to appeal to the central organs.²²

The results of the appeals' analysis show that there are still cases when the hokimiyat officials, contrary to the legal requirements, allow untimely consideration of appeals of individuals and legal entities, do not respond to their complaints and superficially consider their problems.²³ Among the deficiencies the users also note violations of the order and terms of consideration, appearance of formalism or bureaucracy, giving "formal" answers by state officials, the necessity to file an appeal at times for 14-15 times, absence of an answer to a posed question, as well as giving an answer to a question that was not posed, in some cases users note that different complaints contained "copied and pasted responses".²⁴

The President's receptions not only consider appeals received, but also practice mobile receptions. The officials of the Office of protection of human rights go on the ground in order to meet with people and

²⁰ <https://pm.gov.uz/>

²¹ "4 months – short period. Brief statistics", 26 January 2017,

<https://pm.gov.uz/ru/news/view?id=36>

²² "President reproached some officials for being reckless and irresponsible", 12 April 2017,

<https://www.gazeta.uz/ru/2017/04/12/meeting/>

²³ "Mobile reception: constant attention to the citizens' rights", 19 May 2017, http://uza.uz/ru/society/vyezdnoy-priem-postoyannoe-vnimanie-pravam-grazhdan-19-05-2017?sphrase_id=2087030

²⁴ From an analysis of users' commentaries in the internet on this subject matter.

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consider their vital problems.²⁵ One of the positive moments was that during the work of mobile receptions, those heads, who had not paid enough attention to the problems of the citizens, were held strictly accountable.

It is worth noting, that the Office of protection of human rights created an open community in Facebook called: “Halk bilan mulokot / Dialogue with people”.²⁶

Due to the high demand for people’s receptions among the population as an effective mechanism of feedback to the state organs of power and administration, NIMFOGO performed monitoring of public opinion by conducting a sociological survey through a quick whiz of 280 respondents, representing Republic of Karakalpakstan, all oblasts and city of Tashkent. Among those were 54% representing towns and 46% - villages, 49% - men, 51% - women. The data collation shows that public opinion and wider population on the ground are being informed about the creation and the work of the “people’s receptions”, while the main source of information about their activity is TV. More than half of the respondents expressed their willingness to appeal to the people’s receptions, if necessary, and were quite certain about their effectiveness in solving the problems.²⁷

The next progressive step was the adoption of the Resolution of the President of RUz in order to further enhance quality and accessibility of state services rendered to entrepreneurs and to ensure an integrated response comprising of organizational and legal initiatives.²⁸ The “one-stop shops” providing state services to entrepreneurs (hereinafter – one-stop shops) were created in each district and town. They perform considerable amount of work ensuring transparency during registration, authorization and licensing procedures with the wide introduction of modern information and communication technologies. In order to further enhance quality, accessibility and transparency of rendering state services, to strengthen the guarantees of the protection of the rights and legitimate interests, as well as to ensure the effectiveness of a direct dialogue with people on the ground, this resolution transferred the “one-stop shops” to the authority of the Ministry of Justice of RUz away from the district (town) hokimiyats. In this regard the Ministry of Justice was charged with additional functions, including conducting a systematic analysis of the effectiveness of the activities of “one-stop shops”, state organs and other organizations rendering state services, as well as improving legislation and law enforcement in accordance with the best international practice. The Republican commission on coordination of the activities in the sphere of rendering state services to the entrepreneurs (hereinafter – Republican

²⁵ More than 160 appeals to the President’s receptions were considered at the meeting with inhabitants of Mirzo-Ulugbekskiy district of Tashkent on 26 March, “State organs should not relax for a second”, 26 March 2016, <https://www.gazeta.uz/ru/2017/03/26/meeting/>; Mobile receptions with the participation of responsible officials from the Office of protection of human rights took place in Bukhara, Karakul, Romitan and Shafirkan districts of Bukhara oblast from 17 to 19 May 2017, “Mobile reception: constant attention to the citizens’ rights”, 19 May 2017, http://uza.uz/ru/society/vyezdnoy-priem-postoyannoe-vnimanie-pravam-grazhdan-19-05-2017?sphrase_id=2087030

²⁶ “The Office of the President’s office handling appeals conducted mobile receptions”, 23 March 2017, <https://www.gazeta.uz/ru/2017/03/23/dialog/>

²⁷ A. Seitov “Public opinion about the activity of ‘people’s receptions’”, 20 April 2017, <http://nimfogo.uz/ru/node/1964>

²⁸ Resolution of the President of RUz “On additional measures of enhancing mechanisms of rendering state services to entrepreneurs”, 1 February 2017.

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commission) was founded. The main tasks of this commission is, *inter alia*, conducting a systematic analysis of the status of the sphere of rendering state services and implementation of practical measures to further enhance the system through the establishment of a direct dialogue with the people on the ground.

Also on 1 February 2017 the Strategy of actions in five priority development areas of RUz for 2017-2021 was adopted (hereinafter – Strategy of actions).²⁹ The first area of this strategy is to improve the development of state and society, which means, *inter alia*, to improve the system of “Electronic government”, to enhance quality and effectiveness of state services and practical realization of mechanisms of social supervision. The year 2017 in RUz was announced a “Year of dialogue with people and individual interests”. In the framework of the realization of the Strategy of actions the State program of realization of the Strategy of actions in the Year of dialogue with people and individual interests (hereinafter – State program) was developed. For the implementation of measures, stated in the State program, responsible state organs and organizations are required to pay extra attention to the fundamental improvement of the system of handling appeals of individuals and legal entities and to avoid bureaucracy, to implement new effective mechanisms and methods of establishing an open dialogue with people, to introduce reporting systems of state officials to the population, and as a result to build confidence between people and state power, as well as to ensure the openness of events and wide participation of citizens, deputies and NCOs in them. The MFA RUz was particularly ordered to provide support for a study of experience of the leading foreign countries in the sphere of socio-political and socio-economic development, involving representatives of international, foreign governmental and non-governmental organizations, if necessary.

It should be noted as a positive example, demonstrating the determination to make the activities of state organs more transparent, that during the development of the draft of the Strategy of actions and State program, an open discussion among wider population was organized. “In particular, following the results of the public discussion of these drafts on the portal “System of evaluation of the impact of legislative acts”, which received 1 310 proposals and comments, 41 paragraphs of the State program were reconsidered. Similarly, during the period 23-27 January 2017, a media-week and an international “roundtable” were organized in Tashkent, which hosted more than 1 300 specialists and experts, representatives of public, mass media, diplomatic corps and international organizations, as well as major foreign investors, performing their activities in Uzbekistan.”³⁰

It is worth noting that in the UN rating of countries by level of the development of electronic government, Uzbekistan went up by 20 positions and ranked the 80th out of 193 countries. It had joined the top 10 countries, which considerably improved the functioning of electronic government, and had moved from a group of countries with an average index of the development of electronic government to a group with a high index.³¹ As to the second indicator of the survey – electronic participation index

²⁹ Decree of the President of RUz “On the Strategy of actions for further development of the Republic of Uzbekistan”, adopted on 1 February 2017.

³⁰ The commentary to the Decree of the President of RUz “On the Strategy of actions for further development of the Republic of Uzbekistan”.

³¹ United Nations E-Government Survey.

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(EPART), Uzbekistan had improved its position by 24 points, going up from the 71st to the 47th place. The rating upgrade of Uzbekistan in E-participation was due to, *inter alia*, the rise of the indicator “electronic consultations” from 18% to 58% and the improvement of the indicator “electronic information”.³²

In accordance with the tasks of the Strategy of actions, on 10 April 2017 the President of RUz signed another decree, directed at fundamental improvement of the effectiveness of activities of organs of internal affairs.³³ According to this Decree, one of the most important areas of reforms in the system of organs of internal affairs is its transformation into a socially oriented professional service, whose activity must be directed towards rendering timely and qualitative help to people and unconditional implementation by each officer his/her call of duty – “Serve the interests of people”. The latter includes ensuring a systematic tailor-made dialogue with people, development of close interaction with citizens’ self-governance bodies, other civil society institutions, as well as setting a qualitatively new order of handling appeals of individuals and legal entities. It is the ignorance of officers of organs of internal affairs and crime prevention inspectors about the people’s problems and concerns due to the absence of regular meetings with them and public interaction, that leads to serious shortcomings in crime prevention work, which is the main task of the system. Insufficient attention to the work with regard to citizens’ appeals, recklessness, superficial attitude and formalism, low level of communication with people regrettably still take place in the activity of organs of internal affairs. As a result unsatisfied citizens complain to the higher authorities. At the same time to achieve the effectiveness and performance in the system it is firstly required to establish a direct dialogue with people, interact and closely collaborate with civil society institutions.

Furthermore, the Decree introduces a reporting system of officials of organs of internal affairs to the population, strict criteria of evaluation of their performance, as well as effective mechanisms of social, parliamentary and deputy supervision over ensuring the legality of their activities. Therefore as of 1 October 2017, twice a year the Minister of internal affairs is required to submit a report to the Senate of Olij Majlis of RUz about the status of delinquency prevention. Similar reports will be submitted by the Minister of internal affairs of the Republic of Karakalpakstan, by the heads of the Central administration of internal affairs of city of Tashkent and administration of internal affairs of oblasts, by the heads of the administration (departments) of internal affairs of districts (towns) on a quarterly basis (by the deputies on youth issues – every month). These reports will be submitted to the Zhokargy Kenes of the Republic of Karakalpakstan, to Kengash of peoples’ deputies of city of Tashkent and oblasts and to the district (town) Kengash of peoples’ deputies, respectively. For a more systematic and organized approach to the implementation and enforcement of the norms of this Decree, the Program of comprehensive measures of an in-depth reform of the system of organs of internal affairs was adopted. One of the priority areas of this program is organization of the activities of the organs of internal affairs to ensure their accessibility and openness and to build confidence between them and people, as well as to introduce modern information and communication technologies in the activity of the organs of internal affairs.

³² “In the new UN rating Uzbekistan had joined the top 10 countries, which considerably improved the functioning of the electronic government”, 3 August 2016, <https://data.gov.uz/ru/news/view/49>

³³ Decree of the President of RUz “On measures of fundamental improvement of the effectiveness of activities of organs of internal affairs, strengthening their accountability for public safety, strong protection of human rights, freedoms and legitimate interests”, 10 April 2017.

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Thus, one may conclude that the norms of the Law on openness are being implemented in RUz, as evidenced by the commitment of many state organs to make their work more transparent and open, and by steady progress in legislation, adopted after the inauguration of the President of RUz, as well as practical steps, undertaken for the modernization and enhancing the effectiveness of the activity of state organs. There are still a number of problems, connected to the law enforcement of certain provisions of this Law, however, the authors believe that active steps are being undertaken to solve these problems.