

## A NEW MODEL OF HUMAN RIGHTS PROTECTION THROUGH STRENGTHENING THE OMBUDSMAN INSTITUTION

**Olumnazarov Hayotbek**

2nd-year student of the Faculty of Law, Termiz State University

**Abstract:** This article analyzes the evolution of the Ombudsman institution as a new model of human rights protection, its historical roots, and its role in modern digital governance. The study examines the origins of the Ombudsman institution in Swedish and Islamic legal traditions (muhtasib), highlights the stages of the formation of this institution in Uzbekistan, and outlines reforms within the framework of the national strategy. The primary objective of the article is to fully align the activities of the Human Rights Commissioner (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan with the Paris Principles — specifically, to identify the factors necessary to elevate its international accreditation status from "B" to "A". To this end, the experience of South Korea — a state recognized with "A" status by the Global Alliance of National Human Rights Institutions (GANHRI) — was comparatively studied. Based on the research findings, concrete legal proposals have been developed for implementing mechanisms of absolute independence, financial immunity, and broad public oversight from South Korean legislation into Uzbekistan's national legal framework.

**Keywords:** Digital Ombudsman, national system, research, national institution, international experience, GANHRI, Paris Principles, UN General Assembly, administrative accountability.

The word "Ombudsman" — widely understood today in both developed and developing countries as a "protector of human rights" — originates from Swedish, meaning "representative" or "agent." The institution initially operated under the Swedish monarch and, following the establishment of parliament, was transferred to parliamentary oversight in 1809.

It is well known that one of the defining characteristics of any democratic and humane state is its attitude toward people and the degree to which human rights and freedoms are protected. During the years of independence, a fundamentally new Uzbek national legal system was established. The constitutional and legal foundations of a democratic state based on the principles of a socially oriented free market economy were created, and a system of laws on human rights was put in place. As stated in Article 13 of Chapter II of the Constitution of Uzbekistan: "Democracy in the Republic of Uzbekistan is based on universal principles, according to which the highest values are the human being, his or her life, freedom, honor, dignity, and other inalienable rights." On February 23, 1995, Uzbekistan became the first among CIS states to introduce the Ombudsman institution.

A national model for the systematic and phased implementation of international standards into national legislation and law enforcement practice was developed, along with a national monitoring system to ensure compliance with individuals' constitutional rights and freedoms. The updated Constitution recognizes and protects the rights and freedoms of every person on an equal basis. In other words, every individual's rights take precedence, and the state guarantees fair and equal treatment of its citizens. This means that every decision and action taken by the state ensures the protection of fundamental human rights. The Constitution introduced entirely new mechanisms for protecting human rights and freedoms — such as the resolution of ambiguities in laws in favor of individuals, the first-ever codification of the right to remain silent, and the equalization of the status of lawyers with that of investigators and prosecutors — ushering in a new constitutional and legal framework.

As evidence of the above, it should be noted that the number of intervention measures submitted by the Ombudsman to state bodies, organizations, and courts for the restoration of violated citizens' rights increased from 196 in 2024 to 215 in 2025. Monitoring visits for the prevention of torture were carried out 687 times in 2024 and 742 times in 2025. In Uzbekistan, the constitutional right to petition is guaranteed, and through the continuous improvement of the legislative framework in this area, effective tools for handling citizens' appeals have been established, enabling prompt resolution of problems at the primary level. As a result, the volume of citizens' appeals to the Ombudsman has grown year by year. In the area of labor rights restoration alone, 38 citizens were reinstated to their positions in 2023 and 42 in 2024, while in 2025, 57 citizens were reinstated following appeals by the Ombudsman to state bodies. Based on appeals to state bodies, criminal proceedings were initiated in 18 cases, reclassified in 3 cases, and decisions to refuse the initiation of criminal proceedings were overturned in 71 cases. As disciplinary measures, 41 responsible officials were subjected to disciplinary sanctions, 25 individuals were held administratively liable, and 9 employees were dismissed from their positions.

It should be noted that as a result of reforms aimed at ensuring human rights and freedoms, the activities of the Human Rights Commissioner (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan were accredited by the Global Alliance (GANHRI) in 2020 in terms of compliance with the Paris Principles, and the institution was awarded "B" status.

Following that, as a result of the country's reforms aimed at protecting human rights through the strengthening of the Ombudsman institution, the activities of the Human Rights Commissioner (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan were re-accredited by the Global Alliance (GANHRI) in 2024 for compliance with the Paris Principles, and the institution retained its "B" status. Over the years, a number of important documents aimed at further improving the Ombudsman's activities were adopted. An analysis of the Ombudsman's work since 2020 reveals that the institution has been empowered with rights including: the submission of mandatory recommendations to state organizations for the restoration of violated citizens' rights; the filing of lawsuits in courts on behalf of citizens' interests without payment of state fees; and the right to submit matters to the Constitutional Court of the Republic of Uzbekistan concerning the constitutionality of legislative acts.

When examining South Korea as a model for strengthening the Ombudsman institution and enhancing human rights protection, it is noteworthy that the country has been accredited with "A" status by the Global Alliance (GANHRI) for compliance with the Paris Principles.

South Korea's path to achieving "A" status began in 2001, when the National Human Rights Commission of Korea (NHRCK) was established by a special law. Based on the principle of independence, it is governed by leaders appointed by parliament, independent of the President and government. In 2004, GANHRI formally recognized the institution's full compliance with the Paris Principles and awarded it "A" status. From 2005 to 2015, the Commission's mandate was progressively expanded. Regular monitoring visits for the prevention of torture were reinforced. The institution also acquired the right to participate in court proceedings as "amicus curiae" (friend of the court) — meaning the NHRCK does not become a direct party to court cases, but submits independent legal opinions on significant human rights matters. This authority is enshrined in South Korean law, and the Commission influences court decisions through legal expert analysis. The NHRCK frequently submits memoranda to courts in cases involving discrimination, torture, or violations of constitutional rights. Specialized commissions on the rights of women, persons with disabilities, and migrants were also established. Financial independence is ensured through a budget approved by parliament, independent of the executive branch. In 2024, the NHRCK received 11,200 appeals. Investigations were completed in 8,900 of those cases. The rights of more than 3,200 citizens were restored or protected. More than 120

recommendations were submitted to government and local bodies, and approximately 400 monitoring visits for torture prevention were carried out. The NHRCK actively participated in GANHRI and the UN Human Rights Council, and maintained its "A" status in 2024.

According to the analysis, South Korea's Ombudsman demonstrated high effectiveness in protecting human rights in 2024. The number of appeals increased by 7% compared to 2023, reflecting growing public trust. According to official 2024 report data, approximately 11,200 appeals were received by the National Human Rights Commission of Korea during the year, of which approximately 8,900 were subject to full investigation and concluded. As a result of these investigations, the rights of more than 3,200 citizens were restored or protected, and the number of official recommendations directed to state bodies by the institution was approximately 120. In addition, the number of monitoring visits conducted for torture prevention and prophylactic purposes approached 400. These figures are drawn from the NHRCK's 2024 annual report.

Analysis of these key indicators yields several important conclusions. First, the case completion rate (completed investigations relative to received appeals) is approximately 79–80%, indicating that the institution's operational efficiency is high: the vast majority of submitted complaints are reviewed and resolved within a given period. Second, the proportion of cases within completed investigations in which actual protective measures were taken is approximately 36%, indicating that the institution's practical impact is substantial — meaning that in about one-third of concluded cases, the citizen's right was restored or the problem was resolved.

In order to further improve the Ombudsman institution in Uzbekistan and achieve "A" status in compliance with the Paris Principles, it would be appropriate to introduce into national legislation the experience of South Korea — which has consistently maintained this prestigious status since 2004 — and specifically to adopt the "amicus curiae" (friend of the court) institution. In South Korean practice, the Ombudsman submits independent legal opinions to courts in significant cases involving discrimination, torture, and violations of constitutional rights, thereby contributing closely to the delivery of fair justice. At a time when the Ombudsman's mandate is expanding under the framework of Uzbekistan's updated Constitution, granting the institution the right to participate in judicial proceedings as an independent expert on human rights and to submit legal conclusions — in addition to conducting monitoring in closed institutions — would constitute a critically important step. The implementation of this proposal in practice would not only significantly increase public trust in the judicial system and the Ombudsman, but would also demonstrate the state's firm commitment to the protection of human rights in practice, thereby further strengthening the institution's place in society.

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