

LAW
OF THE REPUBLIC OF UZBEKISTAN
13 December 2002 No 446-II
ON THE APPEALS OF THE CITIZENS
(New Edition)

I. General Provisions

Article 1. Aim of the Law

This Law shall regulate the relations concerned with citizen's appellations to the state bodies, agencies (hereinafter – state bodies).

Article 2. Legislation on the Appellation of the Citizens

Legislation on the Appellation of the Citizens consists of this Law and other legislative acts.

Article 3. Citizen's Right to Appellate

Citizens of the Republic of Uzbekistan shall have the right to appellate to the state bodies with appellations, proposals and complaints.

Exercise of right to appellate by the citizens must not violate the rights, freedoms and lawful interests of other persons, society and the state.

Pursuant to this Law, citizens of the foreign states and stateless persons shall have the right to appellate to the state bodies of the Republic of Uzbekistan.

Relations in the field of citizen's appellations to selfgoverning bodies of citizens shall be regulated in the order established by this Law.

Following this Law, citizen's appellations shall not be subject to consideration if the legislative acts envisages another order of their consideration.

Article 4. Forms of Citizen's Appellations

Citizen's appellations shall be introduced either in the oral or written form. Oral and written appellations of the citizens shall be equally treated.

Citizen's appellations can be individual and collective.

Article 5. Kinds of Citizen's Appeals

Citizen's appeals can be made in terms of appellations, proposals or complaints..

Appellation - citizen's appeal requesting assistance for implementing his/her rights, freedoms and lawful interests.

Proposal - citizen's appeal containing recommendations on the improvement of the state and public activity.

Complaint - citizen's appeal requesting restoration of rights, freedoms and lawful interests.

Article 6. Requirements to Citizen's Appeal

The appeal must contain a surname (name, patronimic), information on citizen's domicile, essence of the appellation, proposal or complaint.

Written appeal must be signed by the appellant. In case of impossibility of personal signing of the appellation, it must be signed by the draftsman with his surname, name and patronimic added.

Written appeals without surname (name, patronimic), information on citizen's domicile or containing false information about him/her, as well as those without the signature, shall be considered anonymous and shall not be subject to consideration.

Article 7. Citizen's Appeals and Mass Media Means

Citizen's appeals arriving at the state bodies from the editorial boards of the newspapers, magazines, television, radio and other mass media means shall be considered in the order and terms envisaged by this law.

Citizen's appeals addressed to mass media means can be used for the study and reflection of public opinion in accordance with the legislation on mass media means.

Article 8. Reception of Citizens

Reception of citizens shall be organized at the state bodies. Citizens shall be received by the head or another official person. For this purpose, the state bodies can set up special structural units and assign officials responsible for the reception of citizens.

Reception shall be arranged at the established days and hours, at the time convenient for the citizens. Reception schedules should be brought to citizens notice.

In case of oral appellation, the citizen must present his/her identification document.

The citizen can be refused a reception if his/her multiple appellations are of ungrounded, unlawful character, or the decision on his/her appellation has been already taken.

Reception procedure of citizens at the state bodies shall be determined by their top managers.

Article 9. Procedure on Citizen's Appeals

Procedure on citizen's appeal at the state bodies shall be handled in the order established by the legislation.

II. Guarantees of Citizen's Rights to Appellate

Article 10. Voluntariness in Exercising Citizen's Right to Appellate

Citizen's right to appellate shall be exercised voluntarily. No one can be forced to participate in the actions aimed to defend any appellation or against it.

Article 11. Inadmissability of Discrimination in Exercising Citizen's Right to Appellate

Discrimination in exercising citizen's right to appellate depending on gender, race, nationality, language, religion, social origin, persuasions, personal and public position of the citizens shall be prohibited.

Article 12. Obligatoriness of Acceptance and Consideration of Citizen's Appeals

Citizen's appellations shall be subject to obligatorily acceptance and consideration except for the cases envisaged by part 3 of article 6 of this Law.

A citizen shall have the right to appeal against the ungrounded refusal to accept and consider his/her appeal at a superior organ or directly at court.

Article 13. Inadmissibility of Disclosure of the Information Known in Connection with Citizen's Appellations

When considering citizen's appellations, it shall be inadmissible for the officers of the state bodies to disclose information on private life of the citizens without their consent, as well as of the information concerned with the state secret or any other secret protected by the Law, and other information if this infringes the rights, freedoms and lawful interests of the citizens.

It shall be inadmissible to varify data about citizen's personality that are not related to the appellation.

At citizen's request no data about his/her personality shall be subject to disclosure.

Article 14. Guarantee of Safety of the Citizens Regarded to their Appellations

Prosecution of the citizens and members of their families because of their appellations to the state bodies in view of execution or protection of their rights, freedoms and lawful interests.

III. Order of Filing Appellations, Proposals and Complaints by the Citizens and their Consideration

Article 15. Submission Procedure of Appellations, Recommendations and Complaints

Appellations, proposals and complaints of the citizens should be submitted directly to the state body empowered with the resolution of the issues setup in them or to the superior body.

A citizen shall have the right to submit an appellation, proposal and complaint in person, as well as to authorize his/her representative to do this, or send the appellation via communications facilities. In the interests of the minors and disabled, the appellation, proposal and complaint can be submitted by their representatives in the order envisaged by the legislation.

The appellation, proposal and complaint can be attached with the earlier decisions adopted on them (or their copies) possessed by the citizen, as well as other documents needed for the consideration of the appellation, proposal and complaint.

Article 16. Terms of Submission of Appellations, Recommendations and Complaints

Submission terms for citizen's appellations, proposals and complaints shall not be established. In special cases submission period for citizen's appellations, proposals and complaints to respective state bodies may be established if these is preconditioned by the opportunities of the body on the consideration of the appellation, proposal and complaint, by the necessity of timely execution of citizen's rights and freedoms, provision of protection of their lawful interests, and on other bases envisaged by the legislative acts.

Appellation or complaint to the superior body can be submitted no later than one year since the date when the citizen knew about acting (inacting) or taking decisions infringing his/her rights, freedoms and lawful interests. The term missed on the bases of valid excuses shall be restored by the state body considering the appellation or complaint.

Article 17. Consideration of Citizen's Appellations

Citizen's appellations coming to the state body shall be considered by this body or the official empowered with the obligation to consider the appellations.

Citizen's appellations submitted to the state body that has not been authorized to resolve the rised issues shall be directed to the respective body during no more than five days, and the citizen shall be advised on this. Ungrounded transfer of appellation to the consideration of other state bodies, or its direction to such state bodies or officials whose decisions or actions shall be appealed. If citizen's appellations do not contain the data needed for directing it to the respective bodies, during the same term they shall be returned to the citizen with the attached motivated clarification.

In case there emerges the necessity of additional information, references and materials for the comprehensive and objective consideration of citizen's appellations, the state body official considering this appellation may compile the additional information.

In the urgent cases, the state body considering citizen's appellations must ensure its consideration on site.

In the exceptional cases when it is impossible ro consider appelarions in the absence of the appealer or other person, they can be called for by the state body official.

Decisions on citizen's appellations shall be signed by the head or another authorized official of the state body.

If during decision of the issues stated in the appellation, proposal or complaint emurges the necessity of auditing of the economic entities, it shall be realized in accorfance with the legislation.

Article 18. Terms of Submission of Citizen's Appeals

Citizen's proposals shall be considered during the term of up to one month after acceptance, except for the proposals requiring additional investigation; this must be advised to the person that introduced the proposal during a ten-day period.

Appellations or complaints shall be considered during up to one-month period after coming to the state body obliged to resolve the issue to the point; and those that do not require additional investigation and inspection should be considered in no later than fifteen-day period.

In those cases when consideration of the appeal or complaint requires inspection, discovery of additional materials or taking other measures, term of consideration of the appeal or complaint may be as an exception extended by the head of the respective state body, but for no more than one month and notification of the person that submitted the appeal or complaint.

IV. Rights and Obligations of the State Bodies when Considering Appeals

Article 19. Citizen's Rights to Personal Involvement in the Consideration of the Appeals

In the course of consideration of the appeal by the state body, the citizen shall have the right to receive information on the course consideration of the appeal, personally develop the arguments and present the explanations, acquaint with the materials on the inspection of the appeal, present additional materials or request for their vindication from other bodies, use services of the attorney or his/her representative.

The state body officials considering the appeal shall be obliged to provide citizens with the opportunity to get acquainted with the documents, decisions and other materials involving their rights, freedoms and lawful interests.

Article 20. Measures Taken during Consideration of Citizen's Appeals

In the course of consideration of citizen's appeals, the state bodies shall be obliged to take immediate measures to suppress unlawful actions (inactions), identify reasons and conditions causing infringement of rights, freedoms and lawful interests of the citizens, in the established order suppress prosecution of the citizens connected with their appeal.

Article 21. Obligations of the State Body Considering Citizen's Appeals

The state body that has considered citizen's appeal shall be obliged to inform him/her in writing on the results of the consideration and essence of the adopted decision.

The state body official that has taken decision on the appeal or complaint shall be obliged to clarify the adopted decision on the appeal or complaint if the citizen does not agree with it.

The state body that has considered citizen's appeal, its official shall be obliged to control over the execution of the decision taken upon the results of consideration of the appeal, and take measures on the indemnity of damage or compensation of moral harm in the order established by the legislation if it was caused to the citizen as a result of infringement of his/her rights, freedoms and lawful interests.

Article 22. Analysis of the Work with Citizen's Appeals

The state bodies considering citizen's appeals shall in the established order summarize and analyze appeals, proposals and complaints in view of timely identification and elimination of the causes generating infringement of the rights, freedoms and lawful interests of the citizens and interests of the society and the state.

V. Responsibility for Violation of Citizen's Appeals Legislation

Article 23. Control over the Execution of the Legislation on Citizen's Appeals

Control over the execution of the legislation on citizen's appeals shall be ensured by the bodies of state power and governance within the limits of their authorities.

Article 24. Responsibility of the Officials for the Violation of the Legislation on Citizen's Appeals

Ungrounded refusal to accept and consider citizen's appellations, violation of terms of their consideration without good excuses, adoption of the decision contradicting the Law, non-provision of restoration of the violated rights of the citizen and execution of the decision adopted in relation with his/her appellation, ungrounded refusal to provide the citizen with the opportunity to get acquainted with the documents, decisions and other materials affecting his/her rights, freedoms and lawful interests, or disclosure of the information on the private life of the citizens without their consent, citizen's prosecution concerned with his/her appellation, and other infringements of the legislation on citizen's appellation shall entail liability in accordance with the law.

Article 25. Indemnification of the Damage caused to the Citizen by the Violation of the Requirements of the Law during Consideration of His/Her Appellation or Complaint

In case of satisfying the appellation or complaint of the citizen, the state body that has taken the illawful decision on it shall indemnify to the citizen the damage caused by the submission and consideration of the appellation or complaint, costs born in connection with the on-site visit for the consideration of the appellation or complaint requested by the respective state body, and the earnings lost during this period. Judicially, the moral damage can be also compensated to the citizen.

Assets paid by the state body to indemnify damage to the citizen caused by the violation of the requirements of the Law during consideration of his/her appellation or complaint can be enforced from the guilty official in the recourse order.

Article 26. Responsibility of the Citizen for Submitting Illicit Appellation, Proposal or Complaint

Citizen's submission of the appellation, proposal or complaint containing malediction and offence shall entail the liability determined by the law.

Article 27. Indemnification of the Examination Costs on Citizen's Appellations Containing False Facts

Costs born by the state body related to the examination of the appeals containing the false facts can be levied upon the citizen under the court decision.

Article 28. Resolution of Disputes

Disputes on the indemnification of the damage and compensation of the moral damage related to citizen's appellations shall be considered in a judicial proceeding.