

LEGAL AID IN UZBEKISTAN: NEW REFORMS

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INTRODUCTION.

In recent years, Uzbekistan has made significant strides in improving the system of state-funded legal aid. These reforms aim to enhance the availability of qualified legal assistance for citizens, eliminate systemic shortcomings, and align national legislation with international standards.

Constitutional Framework and Legal Guarantees

The Constitution of the Republic of Uzbekistan guarantees the right to qualified legal aid.²⁶ Article 29 ensures this right, which, in certain cases, is provided at the state's expense. Article 28, enshrining the principle of presumption of innocence, underscores the right of individuals to legal defense, including access to an attorney.

²⁶ Constitution of the Republic of Uzbekistan: Constitutional Law No. ZRU-837 of May 1, 2023 (new edition) // National Database of Legislation of the Republic of Uzbekistan. URL: <https://lex.uz/docs/6445147>.

A key development in legal regulation was the adoption of the 2023 Law of the Republic of Uzbekistan "On the Provision of Legal Aid at the Expense of the State".²⁷ This law defines the categories of individuals entitled to free legal assistance, the conditions for its provision, and the mechanisms for its implementation. It broadens access to legal aid for vulnerable groups, including low-income families, individuals with mental health disorders, and victims of gender-based discrimination.

The law mandates the involvement of qualified attorneys listed in a specialized register maintained by the Ministry of Justice. State-funded legal aid now encompasses criminal, as well as certain civil and administrative cases.

Compliance with International Standards

The introduction of the new law and reforms to the state legal aid system align with international norms and standards. For instance, Article 14 of the International Covenant on Civil and Political Rights guarantees the right to a fair trial, including the right to defend oneself or through appointed legal counsel.²⁸ These principles are reflected in the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (paras. 14, 15, 32, 33)²⁹, the Basic Principles on the Role of Lawyers (para. 3)³⁰, and the Standards of the Independence of the Legal Profession (para. 15)³¹. These instruments emphasize the importance of accessible and high-quality legal aid, particularly for poor and vulnerable populations.

Uzbekistan's reforms demonstrate an effort to harmonize its national legislation with these standards. This includes ensuring mandatory attorney participation at key stages of

²⁷ Law of the Republic of Uzbekistan No. ZRU-848 of June 16, 2023 "On the Provision of Legal Aid at the Expense of the State" // National Database of Legislation of the Republic of Uzbekistan. URL: <https://lex.uz/uz/docs/6502545>

²⁸ International Covenant on Civil and Political Rights. Adopted and opened for signature, ratification, and accession by UN General Assembly Resolution 2200 A (XXI) of December 16, 1966. Entered into force on March 23, 1976. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

²⁹ UN General Assembly Resolution No. A/RES/67/187 of December 20, 2012, "United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems." URL: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

³⁰ Basic Principles on the Role of Lawyers. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27 – September 7, 1990. URL: https://www.unodc.org/pdf/criminal_justice/UN_Basic_Principles_on_the_Role_of_Lawyers.pdf

³¹ Standards for the Independence of the Legal Profession. Adopted by the International Bar Association (IBA) in September 1990, New York. URL: <https://www.ibanet.org/MediaHandler?id=F68BBBA5-FD1F-426F-9AA5-48D26B5E72E7>

criminal, administrative, and civil proceedings, providing legal assistance to low-income groups, and automating lawyer selection procedures to eliminate subjective interference. These measures aim to strengthen judicial fairness and guarantee every citizen access to qualified legal assistance.

Recent Legislative and Administrative Reforms

In 2024, Law No. ZRU-915, adopted on February 27, introduced amendments to the Criminal Procedure Code, the Code of Administrative Responsibility, the Civil Procedure Code, and other legislative acts.³² These amendments focus on unifying procedures for involving lawyers in state-funded legal aid.

Additionally, Cabinet of Ministers Resolution No. 774 of November 21, 2024³³, approved regulations on the procedure for engaging lawyers to provide state-funded legal aid and compensating them for their services. According to these regulations, legal aid is available to:

1. Low-income individuals in civil and administrative cases or those subjected to administrative arrest;
2. Suspects, accused persons, and convicts in criminal cases;
3. Individuals with mental health disorders;
4. Victims of gender-based discrimination;
5. Persons entitled to mandatory legal defense under the Criminal Procedure Code of Uzbekistan.

Lawyers wishing to provide state-funded legal aid must apply through the "Legal Aid" system. Applications are reviewed within three working days, and contracts (fixed-term or indefinite) must be signed within five days. Lawyers operating more than 50 km from their primary workplace are excluded from the register, ensuring optimal territorial coverage of legal aid services.

The automated "Legal Aid" system guarantees equal access to justice by eliminating human factors and minimizing corruption risks. The process involves automatic lawyer

³² Law of the Republic of Uzbekistan dated February 27, 2024, No. ZRU-915 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Adoption of the Law of the Republic of Uzbekistan 'On the Provision of Legal Aid at the Expense of the State'" (Adopted by the Legislative Chamber on September 19, 2023, and approved by the Senate on December 20, 2023) // National Database of Legislation of the Republic of Uzbekistan. URL: <https://lex.uz/uz/docs/6819728>

³³ Resolution of the Cabinet of Ministers dated November 21, 2024, No. 774 "On Approval of the Regulation on the Procedure for Engaging Lawyers to Provide Legal Aid at the Expense of the State and Their Compensation" // National Database of Legislation of the Republic of Uzbekistan. URL: <https://lex.uz/ru/pdfs/7228726>

selection from the register, notification via personal accounts and mobile devices, and set timeframes for responses (1 hour for criminal cases and 5 hours for others).

Lawyers are compensated based on the time of day and nature of their work:

- Participation in investigative actions and court proceedings: 50–100% of the basic calculation rate (BCR)³⁴;
- Procedural actions related to defense waivers: 30–70% of the BCR;
- Submission of statements and complaints: 20% of the BCR;
- Travel expenses: 25% of the BCR per day.

These measures, stipulated in Resolution No. 774, address systemic issues such as uneven workload distribution among lawyers and inadequate remuneration. They enhance access to justice for vulnerable groups and incentivize lawyers to provide high-quality legal aid.

Challenges and Recommendations

Despite progress, the analysis reveals several systemic challenges:

1. Absence of an Independent Monitoring Body:

The Ministry of Justice currently oversees the organization and control of the state legal aid system. While this ensures centralized management, it may limit lawyer independence and compromise the objectivity of monitoring. **Recommendation:** Establish an independent body responsible for monitoring legal aid quality and ensuring compliance with international standards. This would reinforce the independence of lawyers and build public trust in the system.

2. Uneven Access in Rural Areas:

Access to state-funded legal aid in remote regions remains limited, exacerbating social inequality.

Recommendation: Develop mobile legal clinics and expand the network of lawyers included in the register, particularly in rural areas.

3. Low Public Awareness:

Many citizens, especially vulnerable groups, are unaware of their rights to free legal aid or the procedures for obtaining it.

Recommendation: Conduct informational campaigns and implement educational programs to improve legal literacy.

³⁴ As of October 1, 2024, the base calculation value (BCV) in Uzbekistan amounts to 375,000 UZS.

Conclusion

Uzbekistan's legal aid reforms reflect the state's commitment to ensuring equal access to justice, strengthening human rights guarantees, and adhering to international standards. Addressing existing challenges such as establishing an independent monitoring body, improving public awareness, and enhancing rural accessibility, will further enhance the effectiveness of the state legal aid system. These measures will not only enhance the quality of services but also strengthen public trust in the justice system and the legal framework as a whole.

