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FULFILLMENT OF INTERNATIONAL OBLIGATIONS IN THE FIELD OF HUMAN RIGHTS: EXPERIENCE OF THE NEW UZBEKISTAN

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ABSTRACT

The article discusses the progress achieved in the field of human rights in New Uzbekistan, in particular state policy in the field of protection of human rights and freedoms, mechanisms for ensuring the protection of human rights and freedoms in the country. The author analyzed cooperation with international and regional human rights structures, as well as national institutions of foreign countries in the field of human rights protection.

Along with this, the article identifies a number of problems in the interaction of national human rights institutions with government bodies and other non-governmental non-profit organizations in the field of human rights. Recommendations have been developed to eliminate these shortcomings.

KEYWORDS

UN, New Uzbekistan, international standards, human rights, constitutional reform, mechanism for ensuring human rights, education in the field of human rights, cooperation in the field of human rights.

INTRODUCTION

In New Uzbekistan, issues of promotion, protection and observance of human rights are one of the priority areas of state policy. As part of the Development

Strategy of New Uzbekistan for 2022 – 2026 [1], targeted measures are being implemented in the field

of ensuring personal, political, economic, social and cultural rights.

The protection of the rights and freedoms of citizens has become one of the main indicators of democratic transformations aimed at improving and ensuring a decent standard of living for our society.

International human rights standards are consistently and gradually implemented into national legislation. To date, the provisions of more than 80 international documents on human rights and freedoms, ratified by Uzbekistan, have been integrated into national legislation.

PROGRESS IN HUMAN RIGHTS

In New Uzbekistan, large-scale work is being carried out to implement the principle “In the name of the honor and dignity of man”, the implementation of international human rights standards in national legislation and law enforcement activities. A clear example of this is the active work of Uzbekistan as a member of the UN Human Rights Council, close cooperation with the UN High Commissioner for Human Rights and special rapporteurs on human rights issues. At the initiative of Uzbekistan, three resolutions of the UN Human Rights Council were adopted, and 4 international forums were held on youth rights.

The Constitution of the Republic of Uzbekistan in the new edition [2] proclaimed a commitment to

democracy, social justice and universal values, as well as generally accepted principles and norms of international law. The number of provisions relating to human rights guarantees has tripled. Now all ambiguities in the legislation will be interpreted in favor of the person.

Along with this, the new edition of the Constitution of the Republic of Uzbekistan enshrines generally recognized institutions - Habeas Corpus, Miranda Rules, Pro bone, and guarantees the right to appeal to international organizations and national human rights institutions. A ban has been established on the death penalty, child labor and forced labor.

In accordance with the country's international obligations in the field of ensuring and protecting human rights, 12 constitutional laws, 19 codes and more than 700 legislative acts regulating human rights and fundamental freedoms have been adopted.

State policy is aimed at conducting an active dialogue with society. The practice of public discussion of bills on the portal “regulation.gov.uz” has been introduced. As of May 2024, 955 laws have been discussed; 361 decrees, 994 resolutions and 15 orders of the President; 3751 resolutions and 87 orders of the Cabinet of Ministers, 2533 departmental acts.

As a result of the constitutional reform, institutional mechanisms for the protection of human rights have

been expanded and the institution of constitutional complaint has been strengthened.

Uzbekistan was one of the first Central Asian states to create a system of national human rights institutions, which includes a parliamentary ombudsman, a children's ombudsman, a business ombudsman and the National Center for Human Rights. It should be especially noted that the Uzbek experience in creating national institutions has become the subject of study and application in other countries. The formation of a system of national human rights institutions demonstrates the state's commitment to international standards in this area. The activities of such institutions contribute to informing the general public about human rights and the formation of a legal culture.

In addition, an important step to further promote and protect children's rights in Uzbekistan was the creation in 2021 of the National and Regional Commissions on Children [3] and the Public Council for the Protection of Children's Rights. According to the recommendations of the UN statutory and treaty bodies, an effective national preventive mechanism has been created using the "Ombudsman Plus" model.

In order to increase the activity of women in all spheres of the economic, political and social life of the country, the Republican Commission on increasing the role of women in society, gender equality and family was created [4].

At the same time, mechanisms for monitoring and implementing international human rights obligations have been strengthened. Special parliamentary commissions have been created to comply with international human rights obligations, as well as to monitor the implementation of national goals and objectives in the field of sustainable development for the period until 2030.

In order to further improve the mechanism for the protection of human rights and freedoms, implement the recommendations of the third cycle of the UPR, UN treaty bodies, in accordance with the Vienna Declaration and Program of Action [5], the National Strategy for Human Rights was adopted [6]. The strategy provides for the implementation of the recommendations of the UN Human Rights Council and treaty committees. When adopting the national Strategy, the opinions of not only expert circles, but also the general public and international organizations were taken into account.

Analysis of the implementation of the document allows you to positively assess the overall state of task implementation. As of May 2024, more than 80 percent of the activities provided for in the National Strategy have been completed. The implementation of other activities continues.

In particular, the document provides for the development of a total of 33 draft regulations,

including 20 new draft regulations, 4 draft regulations on amendments and additions to existing laws, 9 new editions of existing laws.

Based on the results of the analysis, it can be stated that out of 33 drafts of the above documents, 20 were developed in 2020, 8 in 2021, 3 in 2022 and 2 in 2023. Of these, we can highlight regulatory legal acts aimed at ensuring gender equality, freedom of speech and religion, and the development of civil society institutions, in particular:

- the Concept for the Development of Civil Society for 2021–2025 was approved;
- a new version of the Law “On Freedom of Conscience and Religious Organizations” was adopted;
- the Strategy for achieving gender equality in the Republic of Uzbekistan until 2030 was approved;
- a Parliamentary Commission was created on compliance with the international obligations of the Republic of Uzbekistan in the field of human rights;
- the Concept for the development of state youth policy in Uzbekistan until 2025 is being implemented, which is based on the principle of “Working with youth in the interests of youth” set out in the UN Youth 2030 Strategy.

One of the most important tasks of the state is to pursue public policy to strengthen the legislative and

institutional framework, introduce mechanisms for comprehensive support for women, and eradicate outdated stereotypes about the status and role of men and women in the family and society. In 2021, the Senate of the Oliy Majlis adopted the Strategy for Achieving Gender Equality until 2030 [7].

In order to bring the national statistics system into line with international standards and create a complete database of statistical indicators, the National Strategy for the Development of Statistics of the Republic of Uzbekistan in 2020-2025 was adopted. [8].

In accordance with the recommendations of the UNHRC, since 2019, the National Human Rights Center of the Republic of Uzbekistan has introduced annual information on the state of compliance with Uzbekistan’s international obligations in the field of human rights to the Oliy Majlis, the President and the Cabinet of Ministers.

Human rights education plays a key role in ensuring people's full participation in all decision-making processes that affect their personal, political, economic, social, cultural and environmental lives. It is also an important means of preventing violations, violence and conflict. The UN Declaration on Human Rights Education and Training of 19 December 2011 places an obligation on UN member states to “provide and promote human rights education and training”.

In order to further improve education in the field of human rights in Uzbekistan, as well as for the effective and timely implementation of the tasks set within the framework of the fourth stage of the World Educational Program for Human Rights, a resolution of the President of the Republic of Uzbekistan

“On approval of the National Program for Education in the Field of Human Rights” was adopted [9]. It should be noted that the draft document was discussed with the participation of representatives of the Office of the UN High Commissioner for Human Rights and the UN Committee on Economic, Social and Cultural Rights, as well as national experts.

Thus, starting from the 2023/2024 academic year, educational and special courses “Human Rights”, “Women’s Rights”, “Child’s Rights” have been introduced in the system of professional and higher education. Since June 1, 2023, the national competition “Education and Innovation in the Field of Human Rights and Freedoms” has been held annually. Training courses are being opened on the rights of persons with disabilities, women, children and migrants, as well as on combating torture. Literature on human rights is published on an ongoing basis, and an Electronic Platform for Human Rights Education has been launched.

Along with this, supporting the initiative of the UN Secretary-General “Call to Action for Human Rights”,

within the framework of the 75th anniversary of the adoption of the UDHR, a special Program of Events was adopted [10], aimed at comprehensively informing the public about the essence and meaning of the UDHR, as well as increasing the effectiveness national system for the protection of human rights. In accordance with the Program, the Decade of Human Rights will be held annually on December 1-10, timed to coincide with Human Rights Day. A national lesson on the UDHR will be held in all schools, universities, and educational institutions.

In recent years, Uzbekistan has significantly intensified cooperation with international and regional organizations in the field of human rights protection, as well as with national human rights institutions of other countries.

International cooperation is carried out in various forms, including accession and ratification of international treaties in the field of human rights, organization of bilateral events in cooperation with international organizations and foreign countries, signing of memorandums, and conducting monitoring to study issues of human rights compliance.

In 2018-2021, at the initiative of Uzbekistan, a number of important special resolutions of the UN General Assembly were adopted to strengthen the role of parliaments in achieving the SDGs [11]; education and religious tolerance [12]; strengthening cooperation in

the Central Asian region [13], tourism and sustainable development in Central Asia [14], interconnectedness between Central and South Asia [15]; cooperation between the UN and the SCO [16]; cooperation between the UN and the International Fund for Saving the Aral Sea [17]; development of the Aral Sea region [18]; the formation of the UN Multi-Partner Trust Fund for Human Security for the Aral Sea region in Uzbekistan [19].

On December 19, 2023, at the 78th session of the UN General Assembly, the resolution “Central Asia in the face of global climate threats: solidarity for common prosperity”, put forward on the initiative of the President of the Republic of Uzbekistan Sh. Mirziyoyev, was unanimously adopted.

At the 217th session of the UNESCO Executive Board, held in Paris on October 4-18, 2023, the initiative of Uzbekistan “Tashkent Declaration on International Freedom of Information Day” was unanimously approved.

On November 27, 2018, Uzbekistan became a member of the International Organization for Migration. On December 26, 2018, Parliament ratified the IOM Constitution [20].

Memorandums of cooperation were signed aimed at strengthening and developing the legal framework for cooperation with national institutions of foreign countries and international organizations in the field of

human rights. Thus, a memorandum of understanding was signed between the National Center of the Republic of Uzbekistan for Human Rights and the National Council for Coordinating the Activities of Ombudsmen of Regions and Autonomous Regions of Italy; Memorandum of Understanding between the National Center for Human Rights of the Republic of Uzbekistan and the representative office of the Friedrich Ebert Foundation in Uzbekistan; Memorandum on the establishment of the Association of National Human Rights Institutions and Ombudsmen of the Organization of Turkic States; Memorandum of mutual cooperation between the National Center of the Republic of Uzbekistan for Human Rights and the Independent Standing Commission on Human Rights of the Organization of Islamic Cooperation; Memorandum of mutual cooperation between the National Center of the Republic of Uzbekistan for Human Rights and the Institute of Human Rights and Equality of Turkey; Memorandum of Understanding between the National Center of the Republic of Uzbekistan for Human Rights and the Commission on Human Rights to Saudi Arabia.

The memoranda of cooperation provide for: joint activities to protect and promote human rights, regular consultations, exchange of experience in the field of human rights protection, implementation of joint projects, joint trainings and seminars, scientific research, protection and promotion of cooperation in

the field of human rights on an international scale, and regional mechanisms for such cooperation are also provided.

In recent years, Uzbekistan has been visited by the UN High Commissioner for Human Rights, Zeid Ra'ad Al-Hussein, the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, the Special Rapporteur on the independence of judges and lawyers, Diego Garcia-Sayan, and the Special Rapporteur on promotion and the protection of human rights and fundamental freedoms in the fight against terrorism Fionnuala Ni Aolain.

In 2023, one of the most pressing issues was conflicts and crises occurring throughout the world, global problems and changes, as well as issues of ensuring human rights in the era of globalization. Because ensuring human needs and development is one of the main principles of sustainable development of society.

Our country is doing good work to fulfill international obligations in the field of human rights, in particular, to end child and forced labor, protect the rights of children and women, combat torture and other areas of human rights protection.

In 2024, the international community will widely celebrate 45th anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, 40th anniversary of the adoption of the Convention against Torture and 35th

anniversary of the adoption of the Convention on the Rights of the Child.

At the same time, there are a number of problems in the interaction of the Republic of Uzbekistan with government bodies and other non-governmental non-profit organizations in the field of human rights:

firstly, there are problems and shortcomings in the implementation of such tasks as the protection and implementation of measures to maintain the environmental balance in the country, ensuring environmental rights enshrined in the Constitution of the Republic of Uzbekistan and the international obligations of the state, preventing harmful impacts on the environment, creating conditions for public control in the field of urban planning activities, improvement and restoration of the environment in accordance with the principle of sustainable development;

secondly, taking into account the observed cases of violation of children's rights, it is necessary to ensure the protection of children from various forms of violence, increase the responsibility in this regard of parents, educational institutions and other authorities, as well as continue to further improve legislation in this direction;

thirdly, although the Law "On the Rights of Persons with Disabilities" was adopted in 2020, and the Convention on the Rights of Persons with Disabilities was ratified in 2021, in the development and

production of public transport, information and communication means in the regions, conditions have not been created for the unhindered use of these facilities for persons with disabilities;

fourthly, the lack of various medical personnel in the treatment and preventive departments of some penitentiary institutions limits the right of prisoners to receive medical care, and there are also cases of non-compliance with labor safety requirements in correctional institutions;

fifthly, a clear mechanism for executing decisions of UN treaty committees to consider individual reports has not been developed, and the practice of applying the norms of international human rights treaties by courts has not been established.

In order to effectively implement the obligations arising from international agreements in the field of human rights, as well as the recommendations of international and regional organizations, it is proposed:

1. Develop programs of events to celebrate the 45th anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, the 40th anniversary of the adoption of the Convention against Torture and the 35th anniversary of the adoption of the Convention on the Rights of the Child.

2. In order to develop international cooperation within the framework of sustainable development goals and international initiatives of the President of the Republic of Uzbekistan on environmental issues, as well as in order to prevent the negative impact of climate change on human rights, it is proposed to hold a special international event on this topic.

3. Accelerate the process of adopting the bill “Protection of Children from All Forms of Violence”. The document must reflect measures aimed at improving the mechanism for preventing, identifying and ending harassment and violence against children, as well as clearly define the powers of government bodies to protect children from all forms of harassment and violence.

4. Adopt a “Road Map” in the field of human rights for 2024-2027, in order to implement the recommendations of the UN Human Rights Council on the fourth national report of Uzbekistan within the framework of the Universal Periodic Review.

5. Accelerate the development of a draft regulatory document regarding the procedure for the implementation by the Republic of Uzbekistan (courts and law enforcement agencies) of decisions of international human rights bodies based on the results of consideration of individual communications.

6. Accelerate the adoption of the National Action Plan for the implementation of the UN Program Principles for Business from a Human Rights Perspective.

7. Create conditions for people with disabilities to use transport on an equal basis with other citizens, as well as the convenience of public transport and road infrastructure for them. Also, in order to ensure the rights of persons with disabilities, make changes and additions to the Law of the Republic of Uzbekistan “On Transport”.

8. Create conditions for persons with disabilities to use medical offices created in penal institutions and pre-trial detention centers, as well as develop measures to ensure the right of prisoners to work in safe working conditions.

REFERENCES

1. Указ Президента Республики Узбекистан от 28 января 2022 года № УП-60 «О Стратегии развития Нового Узбекистана на 2022 — 2026 годы». // НБДЗ «Lex.uz». URL: <https://lex.uz/ru/docs/5841077>.
2. Конституционный закон Республики Узбекистан от 1 мая 2023 года № ЗРУ-837 «О Конституции Республики Узбекистан». // НБДЗ «Lex.uz». URL: <https://lex.uz/ru/docs/6449035>.
3. Указ Президента Республики Узбекистан от 9 августа 2021 года № УП-6275 «О мерах по дальнейшему совершенствованию системы обеспечения гарантий прав ребенка». // НБДЗ «Lex.uz». URL: <https://lex.uz/docs/5570494>.
4. Постановление Президента Республики Узбекистан № ПП-146 от 1 марта 2022 года «Об организации деятельности государственного комитета семьи и женщин». // НБДЗ «Lex.uz». URL: <https://lex.uz/ru/docs/5884829>.
5. Венская декларация и Программа действий. Принята на Всемирной конференции по правам человека, Вена, 25 июня 1993 года. // URL: https://www.un.org/ru/documents/decl_conv/declarations/viendec93.shtml.
6. Указ Президента Республики Узбекистан от 22 июня 2020 года № УП-6012 «Об утверждении Национальной стратегии Республики Узбекистан по правам человека». // НБДЗ «Lex.uz». URL: <https://lex.uz/docs/4872357>.
7. Постановление Сената Олий Мажлиса Республики Узбекистан от 28 мая 2021 года № ПС-297-IV «Об утверждении Стратегии достижения гендерного равенства в Республике Узбекистан до 2030 года». // НБДЗ «Lex.uz». URL: <https://lex.uz/ru/docs/5466725>.
8. Постановление Президента Республики Узбекистан от 3 августа 2020 года № ПП-4796 «О мерах по дальнейшему совершенствованию и развитию национальной системы статистики Республики Узбекистан». // НБДЗ «Lex.uz». URL: <https://lex.uz/docs/4926743>.

9. Постановление Президента Республики Узбекистан от 7 февраля 2023 года № ПП-46 «Об утверждении Национальной программы образования в области прав человека в Республике Узбекистан». // НБДЗ «Lex.uz». URL: <https://lex.uz/ru/docs/6378543>.
10. Указ Президента Республики Узбекистан от 12 мая 2023 года № УП-70 «О широком праздновании 75-летия принятия Всеобщей декларации прав человека». // // НБДЗ «Lex.uz». <https://lex.uz/uz/docs/6464219>.
11. Резолюция ГА ООН «Усиление роли парламентов в ускорении достижения целей в области устойчивого развития»// <https://digitallibrary.un.org/record/3998544?ln=en>; <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/756/15/PDF/N2275615.pdf?OpenElement>
12. Резолюция ГА ООН «Просвещение и религиозная толерантность» <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/435/93/PDF/N1843593.pdf?OpenElement>.
13. Резолюция ГА ООН “Укрепление регионального и международного сотрудничества в целях обеспечения мира, стабильности и устойчивого развития в Центрально-азиатском регионе”//https://unrcca.unmissions.org/sites/default/files/a_res_72_283_r.pdf.
14. Резолюция ГА ООН «Устойчивый туризм и устойчивое развитие в Центральной Азии» <https://digitallibrary.un.org/record/3848667?ln=en>.
15. Резолюция ГА ООН “Укрепление взаимосвязанности между Центральной и Южной Азией»//<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/421/22/PDF/N2242122.pdf?OpenElement>.
16. Резолюция ГА ООН “Сотрудничество между Организацией Объединенных Наций и Шанхайской организацией сотрудничества”//<https://documents-dds-ny.un.org/doc/UNDOC/LTD/N21/067/53/PDF/N2106753.pdf?OpenElement>.
17. Три одноименные резолюции ГА ООН «Сотрудничество между Организацией Объединенных Наций и Международным фондом спасения Арала» https://unrcca.unmissions.org/sites/default/files/a_res_72_273_r.pdf; https://unrcca.unmissions.org/sites/default/files/a_res_73-297_r.pdf; <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/058/13/PDF/N2105813.pdf?OpenElement>.
18. Резолюция ГА ООН «Объявление региона Приаралья зоной экологических инноваций и технологий» <https://digitallibrary.un.org/record/3927784?ln=en>.
19. http://cawater-info.net/yearbook/2020/06_yearbook2020_03_ru.

htm (сайт фонда - <https://aral.mptf.uz/> или
<https://mptf.undp.org/fund/arloo>).

20. Закон Республики Узбекистан № ЗРУ-510 от
26.12.2018 г. «О ратификации Конституции
Международной организации по миграции
(Брюссель, 19 октября 1953 года)». // // НБДЗ
«Lex.uz». <https://lex.uz/uz/docs/4127908>.



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