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### SECTION 13. Geography. History. Oceanology. Meteorology.

## IDENTITY OF APPROACHES OF THE REPUBLIC OF UZBEKISTAN AND THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE IN THE FIELD OF HUMAN DIMENSION

**Abstract:** The article analyzes the role of the OSCE in supporting the institutional and legal framework for protecting legitimate human interests in Uzbekistan, shaping the commonality of approaches in the human dimension, as well as the implementation of OSCE standards on this issue.

**Key words:** democracy, Constitution, ombudsman, implementation, liberalization.

**Language:** English

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### Introduction

The last decade of the twentieth century is characterized by global political changes on the scale of the world community. On the one hand, the collapse of the world socialist system and the disintegration of the Soviet state, in the place of which a number of new independent states have formed, who have chosen a democratic path of development.

On the other hand, taking into account the changes that have taken place in the world, the process of transforming the image of existing and the creation of new international organizations is taking place.

### Materials and Methods

The Republic of Uzbekistan, as a new independent state, formed in the post-Soviet space, its steady position towards the principles of democracy, could take a worthy place in the modern world order. At the same time, from the initial years of independence, one of the central places in the domestic policy of the country was occupied with the question of interests and human rights. This issue was fully reflected in the Constitution of the Republic of Uzbekistan. In particular, Article 13 states that: "Democracy in the Republic of Uzbekistan is based on universal principles, according to which the highest value is a person, his life, freedom, honor, dignity and other inalienable

rights. Democratic rights and freedoms are protected by the Constitution and law"[1, p.5].

In order to further develop and improve the parameters the special role is played by the establishment of close cooperation between the Republic of Uzbekistan and an international organization such as the Organization for Security and Cooperation in Europe (OSCE). This international structure is actually the same age as the newly independent states, which in December 1994 was officially transformed from the Conference on Security and Cooperation in Europe (CSCE) into the permanent Organization for Security and Cooperation in Europe (OSCE).

The main pillars of this organization are the Helsinki Final Act of the CSCE of 1975 [2] and the Charter of Paris for a new Europe signed in 1990 [3]. The first of these documents has historical significance. The "Ten Commandments" developed in it in the midst of the Cold War policy embraced the vital interests of the peoples and states of the world community. They have not lost their relevance to this day. One of the principles of this document concerns "respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion and belief"[4, p.5].

It is important to emphasize that the identity of the goals and approaches of Uzbekistan and the OSCE on many issues of the modern world order have become the basis for their unity. Since January



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30, 1992, the Republic of Uzbekistan has become a full member of this universal international organization and has completely verified its actions with the basic standards of the human dimension of the OSCE, creating a legislative framework and necessary structures for human rights and freedoms.

More active interaction of Uzbekistan with the OSCE in the implementation of urgent tasks on the agenda and, in particular, on the issues of the human dimension, was facilitated by the fact that since October 1995 Tashkent was the venue for the opening of the OSCE Office for Liaison in Central Asia[5,p.56]. The significance of this event is determined by the functioning of the Office for Democratic Institutions and Human Rights (ODIHR) in the wide network of institutional structures of the OSCE, with its center in Warsaw, where the results of accomplishing the set goals and tasks are reviewed annually.

The significance of this institution for new independent states and, in particular, for the Republic of Uzbekistan is determined by the fact that the ODIHR's activities include: promoting democratic elections; providing practical support in strengthening democratic institutions and protecting human rights, as well as in strengthening civil society and the rule of law; contributing to early warning and conflict prevention, including through monitoring the implementation of human dimension commitments; to serve as the OSCE's contact point for issues related to Roma and Sinti (Gypsies) [6, p.130-131].

So, the Republic of Uzbekistan, taking an active part in the activities of the OSCE, and also in close contact with all its structures, has started to create the proper institutional structures in the country and to form a legal field in the field of protecting human interests.

One of the important actions on the way of creating institutional structures for the protection of human rights and interests was related with the establishment in the Republic of Uzbekistan of the Institute of the Ombudsman for Human Rights under the country's parliament. The initiative on the formation of such an institution was first proposed by the leadership of Uzbekistan in February 1995. In order to facilitate the effective implementation of the tasks assigned to the Commissioner for Human Rights by the resolution of the Parliament of 6 May 1995, he established a Commission for the Observance of Constitutional Rights and Freedoms of Citizens.

The activities of the Commissioner and the Commission were regulated by the

Regulation on the Commissioner for Human Rights of the Oliy Majlis, approved by the Decree of Oliy Majlis of August 29, 1995[7, p.46].

The process of formation in Uzbekistan of the Institute of the Ombudsman for Human Rights under

the Parliament of the country, as a fact, testifies to the observance of all norms of democratic principles. In particular, in 1996 the work on the draft Law on the Commissioner was started in the country, where deputies of the Parliament, scientists and jurists of the republic, foreign experts took part. The drafting of the draft law took into account the experience of foreign Ombudsmen, experts who expressed their suggestions and comments at the OSCE seminar "National Institutes for Human Rights", held in Tashkent in September 1996[8,p.76].

Moreover, the draft Law on the Human Rights Ombudsman was published in the newspaper "People's words" on February 14, 1997. Only after a broad public discussion, as well as proposals by expert groups, at the VIII session of the Oliy Majlis of the Republic of Uzbekistan on April 24, 1997, the Law "On the Commissioner of the Parliament for Human Rights (Ombudsman)"[9, p.124] was adopted.

It is important to note that the adopted Law regulates the legal status of the Commissioner for Human Rights, defines the scope and principles of his activities, the procedure for election and dismissal, his powers to review complaints and applications of citizens, rights and obligations in the field of protecting the rights and freedoms of citizens. At the same time, it is a body of extrajudicial protection of citizens' rights, which is called upon to receive and consider their complaints, which have exhausted other legal means of protecting their rights and freedoms.

This body is obliged to contribute to the restoration of violated human rights by making its recommendations on how to resolve the conflict between the state body and the citizen.

Another important step in the formation of an institutional framework for the protection of human rights in Uzbekistan was the creation of a special center for their protection in the country. In this regard, effective measures have been taken to create an effective mechanism for the protection of human rights and freedoms, to expand cooperation with international and human rights organizations, to enhance the culture of employees of state institutions and the entire population on human rights issues. In particular, in accordance with the UN program in support of the democratization of human rights and the management system, a special decree of the President of the Republic of Uzbekistan of 30 October 1996 established the National Center for Human Rights of the Republic of Uzbekistan[10, p.45-46].

According to this decree, the National Center for Human Rights of the Republic of Uzbekistan is a state, analytical, consultative, interdepartmental, coordinating body. And its main tasks are:

- Development of the National Action Plan, as well as strategies for implementing the provisions of

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the Constitution, laws and generally recognized norms of international law in the field of human rights;

- Development of cooperation of the Republic of Uzbekistan with international and national organizations in the field of human rights;

- Preparation of national reports on the observance and protection of human rights in the Republic of Uzbekistan;

- Implementation of advisory functions to state authorities and administration, as well as public associations on human rights;

- Coordination of the activities of state bodies for the training, promotion, publication of educational and methodological literature in the field of the promotion and protection of human rights;

- Creation of an information database on the implementation and development of human rights in the Republic of Uzbekistan;

- Preparation of recommendations to state bodies on improvement of their activity in the field of observance and protection of human rights;

- Conduct and organize research on various aspects of the promotion and protection of human rights.

It should be emphasized that, based on the norms of international law, with the close cooperation of international organizations and, in particular, the OSCE, in Uzbekistan, over the years of independence, the parliament adopted 15 codes and more than 500 laws on the protection of human rights.

Among the adopted legal documents it is possible to single out such as: "On the Constitutional Court", "On Political Parties", "On Guarantees of Children's Rights", "On Mass Media", "On Additional Benefits for Women", "On Freedom of Conscience and Religious Organizations", "On Guarantees of Citizens' Electoral Rights", "On Combating Trafficking in Human Beings"[11,p.25-26]and others.

From the foregoing, it follows that in the Republic of Uzbekistan, on the basis of the course taken to build a democratic society, over the years of independence, with close contact with representatives of expert groups of international organizations, including the OSCE, a solid legal framework has been created to protect human rights and interests.

In addition, in Uzbekistan today, such democratic institutions as:

- Constitutional Court;
- The Commissioner for Human Rights of the Oliy Majlis (Ombudsman);
- The National Center for Human Rights of the Republic of Uzbekistan;

- Institute for Monitoring Current Legislation under the President of the Republic of Uzbekistan [11,p.26].

Having created a field of legal activity for the protection of human interests that corresponds to democratic principles and norms of international law, Uzbekistan began to implement them in practice. In close cooperation with the OSCE in Uzbekistan, seminars on the priority of the individual have been held on a regular basis.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) plays an important role in organizing such events. For example, in September 1996, a seminar was held in Tashkent, on the topic: "National Institutions for Human Rights", in which representatives of OSCE member countries, international, non-governmental and public organizations, and the media participated. A lively discussion ensued on the development of the ombudsman institution in the countries of Central and Eastern Europe, the improvement of national legislative systems, as well as the role of public education and the media in the field of human rights [5, p.69-70].

Seminars are also held on a regular basis on the initiative of the Ombudsman for Human Rights (Ombudsman), with the assistance of the OSCE Office for Central Asia for regional representatives, in order to thoroughly study issues related to the protection of human rights. One such seminar was held in May 2000 in Tashkent. The seminar participants considered issues related to work with complaints of citizens, their study, elimination of the causes of human rights violations, restoration of these rights [11, p.70-71].

Particular attention was paid to discussing the issues of raising the status and role of regional representatives in the field, expanding their functions, interaction with

judicial and law enforcement structures, state bodies and public associations.

Representatives of the OSCE / ODIHR's Rule of Law Initiative G. Steibrok and the international expert on ombudsmen F. Gotterer who attended the event introduced the participants to the international and European experience of the work of the regional offices of human rights institutions.

They also noted that the world community, in particular the various structures of the European Union, show a genuine interest in the activities of the only institution of the Ombudsman of the Oliy Majlis for Human Rights in Uzbekistan, which was then in Central Asia [13].

Based on the interaction of the Republic of Uzbekistan with the OSCE, meetings are held on a regular basis to discuss the results achieved and to seek new solutions as part of the implementation of commitments related to the human dimension.

At the same time, In Warsaw, where the ODIHR is located, seminars, meetings and various meetings are held to widely discuss the state of the human dimension in the OSCE member countries.



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For example, in order to discuss issues related to the establishment of national human rights institutions, strengthening their independence and effectiveness, studying best practices in the work of national human rights institutions and their cooperation with other agencies, the OSCE initiated such meetings. As a result, on June 1-3, 2015, A seminar was organized in Warsaw on the theme: "The role of national human rights institutions in strengthening and protecting human rights in the region of the OSCE"[14, p. 101].

And from September 21 to October 2, 2015, in Warsaw was held the annual OSCE meeting to review commitments on the human dimension [12, p.106]. It should be noted that this meeting is the largest European conference on human rights and democracy, in which the Republic of Uzbekistan traditionally participates. Taking part in this meeting, the representatives of Uzbekistan were informed about the situation in the field of ensuring human rights and freedoms in the republic.

In particular, the director of the Public Fund for the Support and Development of Print Media and Information Agencies of Uzbekistan, A. Abdullayev, brought to the attention of the Meeting participants information on priority directions for the formation of a strong and open civil society, effective legislation on NGOs and social partnership. He drew particular attention to the role of civil society institutions in the protection of human rights, as well as the liberalization of the registration system of NGOs in Uzbekistan.

At the same time, he urged the ODIHR not to become hostage to the groundless statements of the so-called "human rights defenders", separatists of inclined persons, including those who are outside the country and who do not have any objective information about the state of affairs in the republic [11, p.111].

It is also significant that the democratic institutions of Uzbekistan take an active part in many projects of international organizations and, in particular, the OSCE, aimed at improving the national system for the implementation of international obligations in the country in the field of human rights and freedoms.

For example, in 2016, the National Center for Human Rights of the Republic of Uzbekistan had close contact with the OSCE Project Coordinator in Uzbekistan. On this basis, the project "Strengthening the capacity of the National Center for Human Rights of the Republic of Uzbekistan for coordinating the activities of state bodies and civil society institutions in the implementation of Uzbekistan's international obligations on human rights and freedoms" was implemented [14, p.101]. Within the framework of this project, methodical manual on the topic: "Organization of public control over the implementation of laws in the Republic of Uzbekistan".

And with the support of the OSCE Project Coordinator in Uzbekistan, a number of important international information and educational activities were conducted. These include:

- "Round table" on the theme: "Business and human rights" (June 29, 2016);

- International conference on the topic "National system for ensuring the reliable protection of human rights and freedoms in Uzbekistan: achievements for the years of independence" (October 20, 2016);

- "Round table" in Samarkand on the topic: "Actual issues of development of the activities of national human rights institutions on a regional scale" (October 21, 2016);

- Open Day, dedicated to the International Day Against Corruption (December 15, 2016) [14, p.92-93].

Measures taken by state bodies and civil society institutions of Uzbekistan aimed at protecting human rights and interests began to yield positive results. One of the indicators of the activities of state bodies on observance of human rights are citizens' appeals to the National Center for Human Rights of the Republic of Uzbekistan regarding the violation of their rights.

On the increase in recent years of legal literacy of the population in defense of their interests, the figures reflected in the table below are indicative [11, p.215].

Year	2010	2011	2012	2013	2014	2015	2016
Number of complaints received	1547	1474	1456	1650	1882	2481	2574

Monitoring of citizens' appeals only for 2016 gives an opportunity to follow the following picture. The largest number of complaints came from citizens residing in the city of Tashkent - 678 (26.3%); Tashkent region - 452 (17.5%); Kashkadarya region - 287 (11.1%); Samarkand region - 216 (8.4%); Surkhandarya region - 181 (7%). When compared with 2015, there is a decrease in the number of

appeals from the population of Andizhan, Kashkadarya and Namangan regions and the city of Tashkent, with a relative increase in the number of applications from other regions and the Republic of Karakalpakstan.

At the same time, in 2016, the Center received 1253 (52.2%) applications and 1138 (47.4%) complaints, 1258 (52.4%) applications were filed by

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women, 878 (36.6%) by men, 262 (10.9%) were collective appeals. And according to the nature of 1168 (48.7%) appeals belonged to the sphere of personal rights, 1010 (42.1%) - to social and economic rights, 113 (4.7%) - political rights and 107 (4.4%) belonged to the sphere of cultural rights [14, p.215-216].

A special place in the field of human rights and interests protection, based on the fundamental provisions of international legal documents adopted within the framework of the UN and the OSCE, was the Decree "On pardon in connection with the 25th anniversary of the adoption of the Constitution of the Republic of Uzbekistan" adopted by the President of the Republic of Uzbekistan.

On the basis of this document, 2,700 convicts were pardoned, including 956 persons released from the penal colony, who committed crimes for various reasons, sincerely repented of their actions and firmly took the path of correction [15]. This decree should be considered as a logical continuation of the reforms implemented on the basis of the Strategy of Action for the five priority areas of development of the Republic of Uzbekistan aimed primarily at

ensuring guarantees for the reliable protection of citizens' rights and freedoms, and liberalizing the entire judicial and legal system.

It should be noted that pardon is one of the most universally recognized fundamental human rights in the world. An important place for this institution is given in the International Covenant on Civil and Political Rights. In the Uzbek legislation, pardon is interpreted as an act of manifesting humanism towards convicted persons, releasing all or part of punishment or replacing the punishment imposed by the court with others that are milder.

### Conclusion

Thus, we are witnessing that the Republic of Uzbekistan, strictly following the course of democratic reforms, gives one of the primary attention to issues of human rights and interests. This position of the country is completely in line with international norms for the protection of human interests. This, first of all, finds its full reflection in the identity of the approaches of the Republic of Uzbekistan and the OSCE in the field of the human dimension.

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