

COOPERATION OF THE REPUBLIC OF UZBEKISTAN WITH UNITED NATIONS ORGANIZATION IN THE FIELD OF HUMAN RIGHTS



AKMAL SAIDOV,
Director of the National Center of the Republic of Uzbekistan for Human Rights, the chairman of the Committee on Democratic Institutions, NGOs and Civil Society Legislative Chamber of the Oliy Mazhilis (Parliament) of Uzbekistan (Tashkent), Professor of International and Comparative Law, Doctor of Law

The article says about efficiency of cooperation of the Republic of Uzbekistan with UNO in the field of human rights. It is considering the activities of the National human rights institutions on realization of the Universal international principles and norms in the field of human rights and freedoms, implementation of national programs, and obligations taken to achieve the Millennium Development Goals and to define the national indicators of the Sustainable Development Goals.

Keywords: Republic of Uzbekistan, UNO, human rights, National human rights institutions, Millennium Development Goals, Sustainable Development Goals, national programs, international cooperation, globalization.

Seven decades ago, the world community has come to a conclusion about the necessity to create a new international forum where nations and people of the world would be able to fight together for peace and security and to strengthen international cooperation to promote sustainable economic and social development, as well as the creation of a new global community, clear goals of which are determined on the basis of universally accepted principles and norms of international law.

As you know, United Nations Organization has become as such forum with its relevant bodies that make up today a whole United Nations family.

For many years, the United Nations has actively engaged in the global problems. These problems cannot be resolved by any country and it therefore requires a collective approach. These global challenges are included in the agenda of the UN.

As UN Secretary-General Ban Ki-Moon rightly pointed out the, "Since its establishment, the United Nations continues to play a role of beacon for all humanity, and it stands for the protection of human rights for all people, regardless of their race, religion, national origin, gender or sexual orientation".¹

Over the years, the UN's operations achieved significant results in the field of human rights, both at the national and the international level. The most notable of them can be identified as following.

The first outcome. Intergovernmental cooperation in the field of human rights has become universal. This began with the adoption of the UN Charter and its principle on respect for human rights has been incorporated in

contemporary international law as one of its key principles. In the world, there is a clear understanding of what human rights and freedoms belong to the category of universal human rights. This is reflected in more than 80 universal international treaties developed under the auspices of United Nations, in particular, in the International Bill of Human Rights.

The second outcome. The concept of international cooperation in the field of human rights has been developed and is being gradually evolved within the framework of the UN. The main scope of international standards on human rights has been accumulated, including specific international-legal obligations of States. The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 can be cited as the most completed set of those standards. The post of United Nations High Commissioner for Human Rights has been established along with its branches operating in many countries.

The third outcome. An extensive system of international mechanisms and procedures has been established to promote, support and protection of human rights. A new unique mechanism named as Universal Periodic Review (UPR) has been created for review of the human rights progress in all UN Member-states. The regional cooperation is evolving in the field of human rights.

The fourth outcome. National human rights institutions are key actors in the international mechanisms for human rights protection. Their participation in the activities of the both UN Charter and Treaty Bodies, international organizations, in drafting of international human rights treaties reaffirm that the international community is moving to strengthen national human rights institutions. It is a wide practice to involve non-governmental organizations and other civil society institutions into the discussions in the United Nations and other organizations of the UN System related to the issues on human rights.

The fifth outcome. The consideration of the issues on human rights violations at the international bodies has become an important tool to exert pressure on the States which commit massive violations. Some types of human rights violations began to be considered as international crimes, i.e., committing by the states the serious violations of contemporary international law, which threaten the international community as a whole (genocide, apartheid, crimes against humanity).

Fifty years ago, the UN General Assembly had adopted two international instruments, which formed a solid foundation of international human rights: the International Covenant on Economic, Social and Cultural Rights

and the International Covenant on Civil and Political Rights.

Designed at the end of World War II, the two Covenants together with the Universal Declaration of Human Rights has made the International Bill of Human Rights, which stipulates that civil, political, social, economic and cultural rights are inherent in all human beings from the birth.

Since then the dramatic changes followed in the world. Many countries have recognized the human rights and the rule of law as the foundation of a truly resilient and stable society. For half a century, the world has changed since the adoption of the two Covenants by the UN General Assembly in 1966. Covenants and other international human rights instruments played an important role in ensuring better compliance and the recognition of human rights.

Certainly, many challenges remain. The drafters of the Covenants were unlikely have an idea about such matters as the right to privacy in the digital age, measures to combat terrorism and climate change; however, the respect for freedom continues to be the basis of peace, security and development for all.

UN Treaty Bodies system has grown significantly since the establishment of the first Treaty Body in 1969 and over the past decade has doubled. This growth significantly promoted the protection of human rights.

Along with the positive results achieved in the UN and in the sphere of inter-state cooperation on human rights, there some problems still do exist and the main ones should be noted here.

First. There remains a risk of politicization of issues arising in the area of human rights during their discussions at the international level. It became impossible to achieve their de-ideologization even after the Cold War. It is not constructive to oppose a state sovereignty (its independence in the international arena and the supremacy on the domestic affairs) vis-à-vis a requirement for respect and protection of human rights. With globalization, it has become a practice to talk about the reduction of the role of state sovereignty. In this regard, human rights should receive universal meaning and become a sole responsibility of the entire international community.

Second. International mechanisms and procedures in the field of human rights are not perfect enough. Their number is growing in a chaotic manner, they often overlap with each other, thus involve unnecessary financial costs and they are not always effective. In addition, they do not guarantee against politicization, double standards, and selective approach. The specific criteria for the examination of individual cases on human rights violations at the international bodies were not developed in cases when the State objects to it. The issue on criteria that would determine whether grave and massive violations of human rights are committed in the state has not been resolved yet. The mechanisms for responding to so-called urgent cases and situations are in need of improvement.

Third. There is a serious problem as a tendency to consider issues related to human rights with a guidance of some abstract schemes, which are far away from the peculiarities of a status on intergovernmental relations, socio-economic, political progress and legal environment, and also historical and cultural features of a particular state. It should also be noted that the terminology applied by the Treaty Bodies of the United Nations in the preparation of concluding observations and recommendations does not stimulate a constructive cooperation between the Treaty Bodies and the state. It is unacceptable the use of such phrases as «be taken», «without delay take appropriate», «end the practice», «urgently correct», «should end» and others in a document of a recommendatory nature.

Fourth. Some Treaty Bodies leave out the scope of their mandate in the preparation of the observations and recommendations on the results of consideration of national reports of States. Most of the UN Committees, regardless of its specificity, do necessarily involve the issues of torture, domestic violence, independence of the judges, forced labor, etc. Concluding

observations and recommendations of Treaty Bodies often do not correspond to the dialogue with the delegations of member States, and are prepared in advance in accordance with the provisions of the alternative reports, without taking into consideration the opinions of the States. In such cases, there a doubt on the need for a constructive dialogue with States, while their information is left unaddressed without appropriate attention of the UN Committees.

Fifth. There is a constant shortage of resources in the activities of the UN Treaty Bodies, which affects the accumulation of backlog of reports by States and individual communications. In addition, many states do not comply with their reporting obligations or violated terms of their submission. There is duplication and excessive "politicization" in mandates of the Special Procedures of the UN Human Rights Council (as for 2015, 39 thematic and 14 country mandates).

Sixth. There a controversy and confrontation, bloody conflicts, threats such as international terrorism, extremism, drug trafficking, as well as signs of such evil as fascism, nationalism, chauvinism in different regions of the world. Many countries do not pay attention to ensuring socioeconomic rights. It has clearly been demonstrated by the global financial and economic crisis. This issue is exacerbated by the worsening economic downturn in the world, along with the problems of access to food and drinking water, and the increase in the debt burden.

In today's context of globalization in the world there is ongoing an intensive and stressful search for their own models of peacekeeping and safeguarding, sustainable economic development and protection of human rights. There is no universal model of development, alike suited to the same historical period for all states in the world. The bitter experience of some countries clearly demonstrates that attempts to impose «common standards» for democratic development, without taking into consideration the specific historical, social and other aspects, as well as national and religious traditions, are counterproductive.

We support the leadership role of the United Nations in preserving and promoting international peace, security and cooperation, as well as the promotion of sustainable development, ensuring human rights and supremacy of international law.

Stable peace, sustainable development and prosperity are possible only if they are based on peacekeeping, human rights, democracy and rule of law. In this regard, the Resolution adopted on the 30th session of the Human Rights Council is important and it called on all States to abandon unilateral sanctions and practices of economic pressure on other countries, particularly developing countries, with a view to preventing these countries from exercising their right to freely and independently take decisions regarding their political, economic and social systems. We also welcome the adoption of the **Agenda for Sustainable Development Goals for the period up to 2030**, which identified seventeen goals in the sphere of sustainable development and 169 targets, having an integrated and indivisible nature and provides a balance of all three components of sustainable development: economic, social and environmental.

In Uzbekistan, the process to define the national targets and indicators on sustainable development goals has been started jointly with UNDP. The state agencies and civil society institutions are actively participating in this process.

In Uzbekistan, the observance and protection of all human rights and freedoms are ensured by systematically and consistently taking into account the generally accepted principles and norms of international law, as well as national interests, mentality and traditions of our people. The human rights protection is considering as the foundation democracy, formation of the democratic and law-governed state and a strong civil society in Uzbekistan.



The **Concept of the further deepening of the democratic reforms and the formation of the civil society in the country**² is the strategic programme for political and economic reforms, which was put forward by the President Islam Karimov at the joint session of the Oliy Majlis of the Republic of Uzbekistan in November 2010.

Systemic and consistent implementation of development the «Uzbek model», based on the five principles aimed at a fundamental transformation of society, a profound reform of the economy and its liberalization and modernization, enforcement of human rights and freedoms, the welfare of the people, has fundamentally changed the country's image and enhanced its reputation in the world community.

Today, the Republic of Uzbekistan has occupying the fifth place in the world during the last 10 years among countries with an accelerated developing economies, despite the ongoing global economic crisis, the average GDP growth rate of over 8 percent according to the international financial and economic structures.

During the years of independent development, that is, for 24 years, the economy of Uzbekistan grew by more than 5.5 times, the real incomes of the population – to 9-fold. The average life expectancy increased from 67 to 73 years, women – 75 respectively.

For the social development of the population, the expenditures account for 60 percent of the State budget, including 10–12 percent of GDP on education, the share of this expenditure in the expenditure budget compromises 35 percent. This is especially important considering, that over 60 percent of the population are under the age of 30 years.³

Thanks to major health care reforms, the Millennium Development Goal target – the level of death of children under the age of 5 years reduced by two thirds, in 2009, and the reduction of maternal mortality by one third was achieved in 2013 respectively. To reverse the spread of HIV/AIDS was provided since 2009. The number of cases of tuberculosis has declined to 1.6 times since the peak in 2002. Since 2013, the country reported no new cases of malaria.⁴

In addition, **in 2015, Uzbekistan became one of 14 countries, which received awards for achieving the Millennium Development Goals in the area of food security** among member States of the Food and agriculture organization of the UN (FAO).

Measures undertaken in Uzbekistan were aimed to improve environmental sustainability reduced emissions

of pollutants per capita to 95 kg in 2000 to 61 kg in 2015. Over the last 15 years has managed to reduce the energy intensity of GDP by more than 2 times. Significantly changed the situation as regards to gender equality. About 50 per cent of total employment in the economy amount to women.⁵

Special attention is given to creating decent living conditions for the rural population, blur the distinction between urban and rural areas in access to housing and public services, social services and market infrastructure. We will continue to implement a unique integrated program for the construction of comfortable individual rural housing. The construction of such housing, in addition to improvement of housing conditions has a huge impact on fundamental change of the lifestyle and outlook of the rural population, reducing the gap between urban and rural lifestyles.

Nowadays, environmental and climate change issues continue to be in the spotlight of the international community with its global character.

In this regard, special place for its scale and impact is the largest in recent world history ecological catastrophe of planetary scale – the tragedy of the Aral sea, which for one generation was on the verge of extinction.

Threatening the influence of the Aral Sea disaster is observed today all over the world. According to international experts, the poisonous salt from the Aral region were found on the coast of Antarctica, in the glaciers of Greenland, the forests of Norway and many other parts of the globe.

Uzbekistan hopes that disaster of the Aral Sea region will be taken into account in implementation of Sustainable Development Goals (SDGs). We understand that climate change and all other relevant issues being discussed in the current High-Level Segment Panel, are directly related to the issue requiring, in the words expressed by the UN Secretary-General Ban Ki-Moon during a trip to the Aral sea in 2010, «**collective responsibility of the whole world and not just countries of Central Asia**».⁶ Taking into account the global character of the Aral Sea disaster, it is necessary to expand joint action and the formation of targeted financial mechanisms in this direction.

In the framework of a **Global Strategy of the UN to protect the health of women, children and adolescents**, 2016 year is declared in Uzbekistan as the year of a Healthy Mother and Child. **The State program «Year of Healthy Mother and Child»**⁷ was adopted to define a set of measures designed to improve the system of protection of family, motherhood and

childhood, upbringing healthy and harmoniously developed generation. For the implementation of the State program will be sent 7 trillion 483,3 billion soums and 194 million U.S. dollars.⁸

The year of 2016 marks the 25th anniversary of the first conference of national institutions for human rights in Paris in 1991 with the Adoption of the Paris Principles, a set of international standards, forming and guiding the work of national institutions on human rights, contributed the rapid development of this phenomenon in the world.

Today in most countries created the successfully functioning institutions for the protection of human rights, which take into account the provisions of the Paris principles. It should be particularly noted that the adoption of the Paris principles was set to the beginning of an active norm-setting activities to create international standards for national institutions for human rights. Subsequently a number of international treaties and declarations, resolutions of the General Assembly and the UN Human Rights Council, in the General comments and concluding observations of the UN Treaty bodies adopted regulations regarding the effective functioning of national human rights institutions.

Moreover, **the United Nations Declaration on education and training in the field of human rights** on 19 December 2011 underlines that «**States should promote the establishment, development and strengthening of effective and independent national human rights institutions in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights («Paris principles»)**».⁹

Uzbekistan was the first Central Asian state, which established a system of national human rights institutions. Uzbek experience of national human rights institutions is positively regarded among the international scientific community and is the subject of study in other countries.

During the period of functioning of national human rights institutions in Uzbekistan much work has been done for the implementation of universally recognized international principles and standards in the field of human rights and freedoms, implementation of national programs devoted to the welfare of children, women's rights, the fight against corruption and human trafficking.

On a regular basis, national human rights institutions participate in international cooperation on topical issues of security and protection of human rights. In particular, 35 national reports of Uzbekistan on fulfilment of the ten major international human rights instruments, as well as in the framework of the Universal Periodic Review were prepared and sent to the UN Treaty Bodies.

In 2015, the fourth periodic report of the Republic of Uzbekistan on the implementation of the International Covenant on Civil and Political Rights and the fifth periodic report of the Republic of Uzbekistan on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women were considered.

In order to explore the legal status and wide dissemination of information about the activities of national human rights institutions in the world a collection **“National Human Rights Institutions: International and regional standards”**¹⁰ was published, which includes texts of international documents of UN, statutory and treaty bodies, the documents of regional

⁸Decree of the President of the Republic of Uzbekistan on 9 February 2016 № ПП–2487 “On State program “Year of healthy mother and child” // Compendium of the legislation of the Republic of Uzbekistan. 2016. № 7. P. 62. 7. Art. 62.

⁹United Nations Declaration on Human Rights Education Training // A/RES/66/137.

¹⁰National Human Rights Institutions: International and Regional Standards / Editor-in-Chief F. Kh. Saidov. – T.: Baktria press, 2014. 304 p.

organizations (OSCE, Council of Europe, the African Union, the CIS) on the issues of functioning of the national human rights institutions, as well as documents of the International Coordinating Committee and the international conferences of national human rights institutions.

To implement the recommendations of the UN Human Rights Council to Uzbekistan on Universal Periodic Review were adopted and successfully implementing a National Plan of Action. In November 2015, the OHCHR delegation visited Uzbekistan. There were discussions on the issues of implementation of the National Plan of Action to implement the recommendations of the HRC and the UN treaty bodies on the results of the review of national reports of Uzbekistan in the sphere of human rights and freedoms during the period 2014–2015.

In addition, Uzbekistan consistently fulfils international standards of the ILO in the field of prevention and elimination of child labour, and reliable mechanisms for protecting children's rights are enshrined in the legislation in this sphere. In April 2014 a Memorandum of Understanding with annexed program on decent work in the Republic of Uzbekistan for 2014–2016 between Uzbekistan and the ILO was signed.¹¹

Uzbekistan was one of the first to discuss the regulations of the UN Human Rights Council resolution of June 16, 2011 **“Guiding Principles on Business and Human Rights for implementing the UN «Protect, Respect and Remedy» Framework”**.¹² In cooperation with the OSCE Project Coordinator in Uzbekistan the text of the Guiding Principles has been prepared for publication in the Uzbek language.

In accordance with the recommendations of the Vienna Convention on Human Rights 20 years ago Uzbekistan established the National Human Rights Centre. During this period the Government has adopted two decrees on a complex of measures on the state support of national human rights institutions, according to which the institution of the Ombudsman and the National Human Rights Centre was allocated additional material and financial resources to strengthen its staffing and resource potential.

In autumn 2016, we are planning to hold an international conference on the improvement of the national human rights protection system.

In this context, we support efforts of the UN Human Rights Council and the High Commissioner for Human Rights to intensify efforts for the promotion and realization of the right to development at the national, regional and international levels, as well as proposed measures on further improving the efficiency and reforms of the UN treaty bodies on human rights, including the implementation of the resolution adopted by the General Assembly on April 9, 2014, №68/268 “Strengthening and enhancing the effective functioning of the human rights treaty body system”.¹³

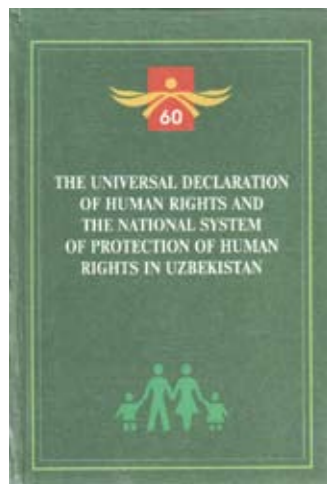
А.Х. Саидов: Адам қўқықтары саласындағы Ўзбекистон Республикасының БҰҰ-мен ынтымақтастығы.

Мақалада адам қўқықтарын қорғау саласындағы Ўзбекистон Республикасының БҰҰ-мен тиімді ынтымақтастығы туралы баяндалады. Адам қўқықтары мен бостандықтары саласында жалпы мойындалған халықаралық қағидааттар мен нормаларды жүзеге асыру бойынша адам қўқықтары жөніндегі ұлттық институттардың қызметі, ұлттық бағдарламалардың орындалуы, сондай-ақ мыңжылдық даму Мақсаттарына қол жеткізу мен тұрақты даму Мақсаттарының ұлттық көрсеткішін анықтау бойынша өзіне алған міндеттемелері қарастырылады.

¹¹The programme on decent work of the Republic of Uzbekistan for 2014-2016 years // <http://fbm.uz/ru/>

¹²Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework // A/HRC/17/31.

¹³Resolution A/RES/68/268.



²Karimov I. The Concept of further deepening of the democratic reforms and developing the civic society in the country // Further deepening of the democratic reforms and developing the civic society are the main criteria of development of our country. V 19. Tashkent, 2011. P. 34–96.

³Speech of the Minister of the Foreign Affairs of the Republic of Uzbekistan Abdulaziz Kamilov at the UN Summit for Sustainable Development (New York city, 25 September 2015) // <http://mfa.uz/ru/press/news/2015/09/5375/>

⁴Ibid.

⁵Speech of the Minister of the Foreign Affairs of the Republic of Uzbekistan Abdulaziz Kamilov at the UN Summit for Sustainable Development (New York city, 25 September 2015) // <http://mfa.uz/ru/press/news/2015/09/5375/>

⁶Ibid.

⁷Decree of the President of the Republic of Uzbekistan on 9 February 2016 № ПП–2487 “On State program “Year of healthy mother and child” // Compendium of the legislation of the Republic of Uzbekistan. 2016. № 7. P. 62. 7. Art. 62.

Түйінді сөздер: Өзбекстан Республикасы, БҰҰ, адам құқықтары, адам құқықтары бойынша Ұлттық институттар, мыңжылдық даму Мақсаттары, тұрақты даму Мақсаттары, ұлттық бағдарлама, халықаралық ынтымақтастық, жаһандану.

А. Х. Саидов: Сотрудничество Республики Узбекистан с ООН в области прав человека.

В статье говорится об эффективном сотрудничестве Республики Узбекистан с ООН в области защиты прав человека. Рассматривается дея-

тельность национальных институтов по правам человека по реализации общепризнанных международных принципов и норм в области прав и свобод человека, выполнению национальных программ, а также взятых на себя обязательств по достижению Целей развития тысячелетия и определению национальных индикаторов Целей устойчивого развития.

Ключевые слова: Республика Узбекистан, ООН, права человека, Национальные институты по правам человека, Цели развития тысячелетия, Цели устойчивого развития, национальные программы, международное сотрудничество, глобализация.

НОВЫЕ КНИГИ



Комментарий к конституционному закону Республики Казахстан «О выборах в Республике Казахстан» / Под общ. ред. К.Т. Турганкулова, Н.Н. Турецкого. Астана: ТОО «Жарқын Ко», 2016. – 440 с.

С момента принятия Конституционного закона Республики Казахстан «О выборах в Республике Казахстан», неоднократно вносились изменения и дополнения, направленные на совершенствование выборной системы. Продолжавшиеся демократические перемены потребовали дальнейшего совершенствования, как отдельных выборных процедур, так и выборной системы в целом. Совершенствование выборного законодательства проходило в общем контексте процессов поэтапного развития политической системы общества. В этой связи толкование Конституционного закона Республики Казахстан является актуальным.

Комментарий рассчитан на широкий круг читателей, в том числе ученых, практиков, теоретиков, экспертов, депутатов, государственных служащих, а также студентов, магистрантов, докторантов, преподавателей, граждан, интересующихся выборным законодательством.

Комментарий к Конституционному закону Республики Казахстан «О выборах в Республике Казахстан» от 28 сентября 1995 года № 2464 подготовлен по состоянию законодательства на 11 февраля 2016 года.

В числе авторов: Жумадилова А.Б., Нугманова Э.А., Сарсембаев М.А., Турецкий Н.Н., Ударцев С.Ф. и др.

Рецензенты: Абдиров Н.М. – депутат Мажилиса Парламента РК, Председатель Правового совета при партии «Нұр Отан», д.ю.н., профессор; Малиновский В.А. – член Конституционного Совета РК, д.ю.н., профессор.