

ISSUES RELATED TO THE FULFILMENT OF OBLIGATIONS UNDER THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS: EXPERIENCE OF UZBEKISTAN.

Olimova Kamila Kamalitdinovna,

Head of the Department of the National Center for Human Rights of the Republic of Uzbekistan

Abstract (annotation):

In this article, the focus is on the Republic of Uzbekistan's commitment to fulfilling its obligations in the areas of safeguarding the economic, social, and cultural rights and freedoms of individuals, along with the process of implementing recommendations put forth by the United Nations Committee.

Keywords: human rights, economic rights, social rights, cultural rights, national report, health, social services, national action plan.

Introduction.

Today, when the world is constantly facing new challenges - pandemics, conflicts, growing inequality, climate change and other challenges - the main issue is the realization of fundamental freedoms and human rights. And the protection of human rights and freedoms is one of the main priority areas in the activity of a particular state and the international community as a whole.

In his speech at the 46th session of the United Nations Human Rights Council, the head of our state, Shavkat Mirziyoyev, emphasized that ensuring the fundamental rights and freedoms of humans will continue to be a key priority for further deepening democratic reforms in Uzbekistan.¹

In Uzbekistan, significant changes have occurred in recent years in the field of human rights protection. The Constitution and other legislative acts of the Republic of Uzbekistan reflect virtually all the rights and freedoms recognized by the international community, and national institutions for the protection of human rights and freedoms have been established.

Uzbekistan's better standings in global rankings and human rights indices serve as proof of this. Particularly in the years 2021–2022, Uzbekistan's positions have improved in rankings and indexes such as the quality of legislation, government effectiveness, freedom of speech and information, combating crime and corruption, the conditions for doing business.²

¹ <https://president.uz/ru>

² Информация о состоянии соблюдения международных обязательств Республики Узбекистан в области прав человека. Ташкент: Национальный центр Республики Узбекистан по правам человека, 2023. С.4



It's worth highlighting that Uzbekistan has joined over 80 major international human rights documents, including 11 core United Nations human rights treaties.

Among international documents, special importance is attributed to the International Covenant on Economic, Social and Cultural Rights (New York, December 16, 1966), which is based on the premise that the right to a dignified life cannot be achieved without conditions that ensure the satisfaction of basic human needs for each individual.

As one of the key human rights documents, the International Covenant on Economic, Social and Cultural Rights is legally binding for over 170 state parties, including our country, which joined this document in accordance with the Resolution of the Supreme Assembly of the Republic of Uzbekistan dated August 31, 1995. It came into effect for the Republic of Uzbekistan on December 28, 1995.³

In accordance with the common practice, every state that has ratified an international legal document is obligated to periodically submit reports to the Committee on the implementation of the relevant rights. The initial report of a state must be submitted within two years after acceding to the Covenant, and subsequently, every five years. The Committee examines each report and provides the state party with its considerations and recommendations in the form of "concluding observations."

On June 19, 2019, the Republic of Uzbekistan submitted to the Committee the Third National Report on the implementation of the International Covenant on Economic, Social and Cultural Rights, which was prepared by about 30 State bodies and 10 non-governmental non-profit organizations.

On February 22-24, 2022, the third periodic report of Uzbekistan was considered at the 71st session of the UN Committee on Economic, Social and Cultural Rights. For the first time, more than 10 non-governmental non-profit organizations participated in the presentation of the reports in an online format.

The Committee presented its concluding observations on the implementation of the norms of the International Covenant on Economic, Social and Cultural Rights. The Concluding Observations positively acknowledged the reforms undertaken in Uzbekistan concerning the protection of citizens' rights and freedoms. However, the Committee also provided its recommendations, including:

- taking measures to hold citizens legally responsible for violations of economic, social and cultural rights by private companies, providing victims with appropriate means of protection;
- taking measures to ensure the access of persons with disabilities to employment, health and social services, strengthen efforts to ensure inclusive education at all levels, and ensure appropriate training of teachers and pedagogues;
- strengthening the quota system and taking measures to solve the problem of the insufficient level of women occupying positions related to leadership and decision-making, especially in the regions;
- expanding access to quality medical services in rural areas and groups of the population in need of social protection;

³ <https://lex.uz/docs/2678858>



• to raise public awareness about the Covenant and provide capacity-building programs for judges, prosecutors and lawyers, to allow them to invoke and apply economic, social and cultural rights in domestic courts;

• to develop and implement a regulatory framework on human rights due diligence, making it compulsory for companies domiciled in the State party or under its jurisdiction to identify, prevent and address human rights abuses in their domestic and overseas operations;

• to ensure a human rights-based approach in its adaptation strategies aimed at countering the impact of natural disasters and climate change, including the establishment of monitoring mechanisms.

• to ensure the legal liability of companies based in or managed from the State party's territory for abuses of economic, social and cultural rights as a result of its their activities, and to provide adequate remedies to victims.⁴

The National Action Plan for 2022-2026 regarding the implementation of the concluding observations of the UN Committee on Economic, Social and Cultural Rights was approved by the Joint Decision of the Council of the Legislative Chamber of the Oliy Majlis and the Council of the Senate of the Oliy Majlis of December 19, 2023.⁵

On March 3, 2023, an international public discussion on monitoring and coordinating the implementation of UN agreements in our country, particularly the International Covenant on Economic, Social and Cultural Rights, took place in Tashkent. This event was organized in collaboration with the International Commission of Jurists (ICJ) Europe and Central Asia Programme, the regional office of the United Nations Office of the High Commissioner for Human Rights (OHCHR) for Central Asia, the National Center for Human Rights of the Republic of Uzbekistan, and the national movement "Yuksalish".

National and international experts discussed the implementation of the International Covenant on Economic, Social and Cultural Rights and exchanged views on effective measures to be taken for ensuring efficient monitoring and coordination of the implementation of recommendations from UN treaty bodies.

Furthermore, the Committee's final comments were translated into Uzbek and published on the official website of the National Center for Human Rights.

On July 21, 2023, in the Legislative Chamber of the Oliy Majlis, on the country's compliance with international human rights obligations heard a report on the implementation of the National Action Plan for 2022-2026 aimed at realizing the concluding observations of the UN Committee on Economic, Social and Cultural Rights.

Regarding the implementation of the final recommendations of the UN Committee on Economic, Social, and Cultural Rights based on the results of the review of the Third Periodic Report of the Republic of Uzbekistan on the implementation of the provisions of the International Covenant on Economic, Social, and Cultural Rights in 2023, 9 (26%) of the tasks have been completed, the deadline for 5 (15%) items has been extended, and 20 (59%) items are being implemented of the 34 points of the National Action Plan for 2022-2026.

The following activities have been carried out as part of the National Action Plan for 2022-2026:

⁴ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=ru

⁵ <https://lex.uz/ru/docs/6355350>



1. Decree No. PF-200 of the President of the Republic of Uzbekistan dated November 27, 2023, "On measures to further improve the system of combating corruption and increase the effectiveness of the system of public control over the activities of state bodies and organizations" was adopted. The state program for fighting corruption for 2023–2024 was approved by the decree.

2. On April 13, 2023, the law of the Republic of Uzbekistan, "On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with further improvement of the system of reliable protection of the rights, freedoms and legitimate interests of women and children," was adopted.

In 2022, the Academy of Public Administration, in collaboration with the Ministry of Justice, trained 140 gender trainers. These trainers were specifically trained to clarify the essence and significance of the Law of the Republic of Uzbekistan **"On Guarantees with Respect to Equal Rights and Opportunities for Women and Men"** and other legislative documents related to gender issues.

3. On June 16, 2023, the law of the Republic of Uzbekistan, "On providing legal aid at the expense of the state," was adopted. The law expanded the possibilities for citizens to receive free legal assistance by including civil, administrative, and administrative infringement cases in the list of cases of legal assistance at the state expense and established that legal assistance at the state expense is provided to low-income individuals, persons with impaired equal rights to women and men, and persons with psychiatric care.

4. To promote youth employment and address their challenges, Uzbekistan has implemented the "Youth Register" system based on the "Youth Balance," which is formed at the level of neighborhoods ("mahallas"). An electronic platform, "yoshlardaftari.uz," has been launched to support this system. This platform facilitates three stages of monitoring the ongoing digitalization process: overseeing the system's transition to digital platforms, ensuring transparency in the benefits provided to the youth, and fully digitizing the management of the "Youth Register."

5. In order to develop mental health services for the population, improve the early detection and diagnosis of mental disorders, enhance the quality of treatment for individuals with mental disorders, establish an effective management system, advance the field of mental health through scientific developments, strengthen the human resource potential in this sphere, reinforce the material and technical resources of psychiatric institutions, and ensure timely provision of psychiatric assistance to the population, the President of the Republic of Uzbekistan issued a Presidential Decree titled "On Measures for Further Development of Mental Health Services for the Population" on June 19, 2023.

6. According to the Presidential Decree of the Republic of Uzbekistan titled **"On a set of measures to provide quality social services and assistance to the population, as well as to establish a system for their effective control"** dated June 1, 2023, the National Agency for Social Protection has been established under the President of Uzbekistan. This agency is tasked with ensuring citizens' rights to social protection and significantly enhancing the quality of social services.

Undoubtedly, the realization of economic, cultural, or environmental rights is only possible when the state reliably guarantees the personal rights of its citizens. Therefore, an important task is to identify and address the challenges associated with implementing and



safeguarding economic, cultural, or environmental rights and freedoms of individuals in accordance with the principles of a rule of law state.

Conclusion.

Therefore, in order to establish the necessary conditions for the effective implementation of the goals of international agreements, it is proposed:

1. Conduct informational and educational campaigns among the general population, medical personnel, law enforcement officials, and other public servants to elucidate the essence and significance of the International Covenant on Economic, Social, and Cultural Rights.

2. To ensure the environmental rights of citizens and to prevent harmful effects on the environment, and to create conditions for public control in the field of urban planning activities in order to protect against high levels of air pollution and its impact on the health of citizens, the principle of sustainable development and World Health take drastic measures to improve, restore, and protect the environment and maintain ecological balance, in accordance with the latest recommendations of the Organization for Conservation of Nature on air quality;

3. Creating conditions for citizens and legal entities to apply to the UN treaty committees, taking additional measures to provide them with qualified legal assistance in this regard;

4. Development of specific mechanisms for the implementation of decisions made by UN treaty committees based on the results of consideration of individual messages;

5. To organize special discussions to increase the knowledge and skills of the employees of state bodies responsible for this direction in order to implement the recommendations of international and regional mechanisms for the protection of human rights in a timely manner;

6. Paying particular attention to the fact that 2024 has been declared the "Year of Support for Youth and Business" in Uzbekistan, measures are taken to ensure that the state fulfills its obligations to protect individuals and citizens from human rights violations related to business activities in accordance with national and international obligations.

7. Strengthen partnerships with UN institutions, relevant authorities, organizations, and civil society to collectively promote the observance of economic, social, and cultural rights.