

Main Directions Of Interaction Of State Bodies In The Field Of Human Rights

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Abstract

Ensuring and protecting human rights is one of the priority tasks of a democratic state governed by the rule of law. In the experience of Uzbekistan, in recent years, special attention has been paid to strengthening the interaction of state bodies in the field of human rights. In this regard, new institutional mechanisms have been introduced and the regulatory framework has been improved. This article analyzes the main areas of cooperation between government bodies (legislation, law enforcement, restoration of violated rights and work with appeals) and forms of cooperation (omutual information exchange, consultation and monitoring). Problems encountered in practical cooperation and their organizational and legal solutions will also be highlighted.

Keywords: Human rights, government agencies, legislation, law enforcement, appeal, court, Ombudsman, law enforcement agencies.

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1. Introduction

The state policy in the field of ensuring and protecting human rights in the Republic of Uzbekistan has been formed gradually and today has become a systemic, multi-level institutional structure. The idea of human rights is manifested not only as a constitutional principle, but also as an integral element of public administration, the judicial and legal system, and the activities of civil society.

Article 14 of the Constitution of the Republic of Uzbekistan states that "The State carries out its activities on the basis of the principles of legality, social justice, and solidarity in order to ensure the well-being of the individual and the sustainable development of society." This norm is a constitutional expression of the idea of protecting human rights and placing them at the center of

state policy. Also, Article 54 states that "Ensuring human rights and freedoms is the highest goal of the state. The state ensures the rights and freedoms of man and citizen enshrined in the Constitution and laws," which is the main principle defining the direction of activity of the entire legal system, including state administration, judicial and legal bodies, and national institutions.

At the same time, these constitutional norms form the basis of the activities of all state bodies aimed at protecting human rights and create the basis for the formation of a legal system inextricably linked with the international legal obligations of Uzbekistan.

The institutional mechanism of the state in ensuring human rights consists of several main components, each of which performs a specific function in the process of building a legal state. These are state administration

bodies, judicial and law enforcement agencies, and national institutions. They are functionally interconnected and form a single system through the development of legal policy, ensuring its implementation, and the implementation of public and independent control mechanisms.

2. Method

Several methods of cognition were used in this article. In particular, based on legal and theoretical analysis, the research topic and its parts were considered separately, and the essence of the problem was discussed in detail. A comparative legal analysis of the legislation on the research topic was conducted, and practical conclusions on the effectiveness of the activities of state bodies were prepared.

3. Results

In order to better understand the content and mechanisms of interaction between state bodies in the field of human rights, it is necessary to divide the main areas of this activity into four groups, each of which should be covered in detail on the basis of a separate scientific and legal approach, practical experience, and analytical basis. Such a systematic analysis serves to assess the institutional capabilities of the state in ensuring human rights, identify existing problems, and develop improved mechanisms for their elimination. These routes include:

- **Cooperation in the field of lawmaking**
- **Cooperation in the field of ensuring rights**
- **Cooperation in the field of restoration of violated rights**
- **Cooperation in the field of working with appeals**

1. Cooperation in the field of lawmaking. One of the priority areas for ensuring human rights is the institutional interaction of state bodies in the legislative process. This cooperation constitutes a systematic activity aimed at bringing the state's regulatory policy in line with international human rights standards, identifying and eliminating existing legal gaps, as well as strengthening norms guaranteeing the fundamental rights and freedoms of citizens. According to researchers such as A. Byrnes, F. Megret, and L. Hammer, effective normative regulation in the field of human rights can be implemented not only through the activities of one body, but also through interconnected mechanisms of interagency cooperation[1].

In the legislative process in the Republic of Uzbekistan, the Oliy Majlis, the Presidential Administration, the Constitutional Court, the Ministry of Justice, the Authorized Representative of the Oliy Majlis for Human Rights (Ombudsman), the National Human Rights Center, and other authorized bodies actively cooperate through the exchange of information, expert review, issuance of legal opinions, and development of proposals. An important aspect of this cooperation is that draft laws are improved based on expert recommendations from international organizations - the UN, OSCE, UNICEF, UNDP [2]. This makes it possible to bring national legislation closer to the generally recognized principles of international law.

In recent years, as one of the results of interdepartmental cooperation, more than 350 new laws and more than 4,400 Presidential decrees and resolutions have been adopted, a significant part of which is aimed at strengthening human rights [3]. Such documents as the "National Strategy of the Republic of Uzbekistan on Human Rights," the "Strategy for Achieving Gender Equality," and the Law "On the Rights of Persons with Disabilities" clearly demonstrate the effectiveness of interdepartmental coordination.

In this process, the Ministry of Justice plays a special role by conducting an examination of regulatory legal acts, and the National Center - by providing scientific and legal recommendations for the implementation of international legal norms into national legislation. The Authorized Person of the Oliy Majlis for Human Rights (Ombudsman) acts as an important subject of this process by submitting legislative initiatives to the parliament and proposals for the systematic protection of human rights.

An example of an institutional manifestation of interdepartmental cooperation in the field of protecting the rights of the child is the creation in 2021 of the institution of the Children's Ombudsman and, in this regard, the abolition of the position of Deputy for Children's Rights, previously functioning under the Ombudsman. The cooperation of the Oliy Majlis, the Presidential Administration, the Ministries of Justice and the Social Sphere played a decisive role in the implementation of this reform [4]. As a result, a new interdepartmental commission for the protection of children's rights - the National Commission on Children's Issues - was created, creating a coordinated mechanism for lawmaking and monitoring its implementation.

It should be noted that both representatives of the international scientific community and domestic scientists, while acknowledging the positive results of interdepartmental cooperation in lawmaking, also note some problems. In particular, there are opinions that the Human Rights Impact Assessment System (HRIA) is not sufficiently implemented in some draft laws, and expert opinions are not fully reflected in the draft laws. In particular, R. Kh. Abdullaev, S. Sattorov, Z. Islamov, B. Kuchkarov - emphasize that: although there is interdepartmental cooperation in national lawmaking, its effectiveness is not equal at all stages; In many draft laws, the mechanisms of action of controversial articles on human rights are not sufficiently analyzed; In the process of bringing some laws into line with international standards, the expert opinions of the Ombudsman and the National Center are not sufficiently taken into account [6]. The UN Human Rights Council also called on Uzbekistan to more widely implement methodologies for assessing the impact on human rights in the legislative process.

In our opinion, although the existing system of interdepartmental cooperation in the field of lawmaking has created a significant regulatory framework for the protection of human rights in Uzbekistan, its institutional mechanisms need further improvement. Including:

- 1. implementation of a mandatory HRIA system for each draft law;**
- 2. Increasing the regulatory power of expert opinions of the Ombudsman and the National Center;**
- 3. strengthening public discussions as a legislative requirement;**
- 4. development of a unified regulation of interdepartmental interaction.**

These improvement measures will raise the legislative process to the level of a real mechanism for the protection of human rights and ensure the harmonization of national legislation with international standards.

2. Cooperation in the field of ensuring rights. Ensuring human rights is a set of organizational and legal mechanisms created by the state for the practical implementation of the rights and freedoms enshrined in the Constitution. H. Steiner and P. Alston emphasize that the process of ensuring rights is not limited to normative guarantees, but also depends on their real implementation in social practice [7]. In this sense, the

interaction of government bodies will become a central factor in this process.

First of all, the joint activities of the prosecutor's office, internal affairs bodies, and judicial authorities are of particular importance. The Prosecutor's Office, as defined in the Constitution [8], exercises general oversight over the observance of the rights and freedoms of all bodies. Prosecutorial oversight plays a crucial role in processes such as the prevention of torture, illegal arrest, or detention. At the same time, the internal affairs bodies are one of the real guarantors of personal and property rights by ensuring public safety. President Sh. Mirziyoyev's 2021 Address sharply criticized the existence of torture in investigative practice, which revitalized the cooperation of these systems [9].

A decisive innovation in this process was the strengthening of the Ombudsman institution. In 2019, the National Preventive Mechanism for the Prevention of Torture (NPM) was introduced under the Ombudsman, and regular monitoring visits to penitentiary institutions were established together with representatives of civil society. This system, as recognized by M. Nowak, is considered one of the most effective forms of cooperation between government bodies and independent structures [10].

At the same time, interdepartmental cooperation in ensuring socio-economic rights in Uzbekistan has significantly strengthened. Annual monitoring of the fight against forced labor was conducted with the participation of the Ministry of Employment and Labor Relations, the Prosecutor's Office, and the ILO mission, as a result of which the elimination of forced labor during the cotton harvest was confirmed by international experts [11].

The judiciary is the final institutional link in the human rights system, protecting the constitutional rights and freedoms of the individual through the administration of justice. In recent years, important measures have been taken to ensure the independence of judges and strengthen the formation of the judiciary as a truly independent institution. In particular, the procedure for selecting, appointing, and bringing judges to disciplinary responsibility has been established on a clear legal basis and organized based on the criteria of openness and transparency.

In addition, the reorganization of the Higher School of Judges of the Republic of Uzbekistan into the Academy

of Justice of the Republic of Uzbekistan was of great importance in order to continuously improve the qualifications of the judicial corps and develop their professional training based on international standards. This institute has become an important platform not only for training judges, but also for their continuous professional development, scientific and practical activities, and in-depth study of foreign experience.

The success of such reforms is undoubtedly the result of effective institutional cooperation between the judiciary, legislative and executive authorities, as well as the Ministry of Justice, the High Judicial Council, and other relevant agencies. This, in turn, contributes to the implementation of fair justice in an impartial and human rights-oriented form.

Strengthening the parliamentary control system is also one of the important directions in ensuring rights. The establishment of the Parliamentary Commission for Monitoring the Implementation of the National Human Rights Strategy, approved in 2020, has established systematic control over the activities of central and regional agencies.

At the same time, there are different opinions in the scientific literature regarding this cooperation system. In particular, international scholars H. Steiner and P. Alston emphasize the need for active participation of civil society institutions and independent monitoring mechanisms for effective cooperation between government bodies. M. Nowak notes that the National Preventive Mechanism should be strengthened not only by visits, but also by legal mechanisms that ensure the mandatory implementation of the results.

A. Saidov, R. Abdullayev, B. Kuchkarov - while acknowledging the active development of interdepartmental cooperation in Uzbekistan, point to such shortcomings as duplication of powers, incomplete formation of unified standards for coordination and information exchange in some agencies.

International organizations, in particular the UN Human Rights Council, emphasize the effectiveness of reforms in Uzbekistan, but draw attention to the need to strengthen the implementation of the Ombudsman's recommendations on the prevention of torture.

Also, although significant institutional systems for ensuring human rights have been created in Uzbekistan, three important problems remain in practice:

1. Unified regulations and protocols of interdepartmental cooperation are not consistently standardized;
2. The participation of civil society in monitoring is unequal across regions;
3. A unified electronic platform for information exchange between the courts, prosecutor's offices, and the Ministry of Internal Affairs has not been fully formed.

In our opinion, to eliminate these problems:

1. Development of a unified interdepartmental regulation for ensuring human rights;
2. Strengthening the legal status of the national preventive mechanism;
3. Phased implementation of the UN HRBA - Human Rights-Based Approach methodology in all spheres;
4. It is necessary to create an integrated information exchange system between the regional representatives of the Ombudsman and the prosecutor's office and the courts.

3. Cooperation in the field of restoration of violated rights. The restoration of violated citizens' rights is the central link in the human rights protection system. This process, by its nature, requires multi-level institutional mechanisms and harmonious interaction between government bodies. According to the concept of restorative justice (restorative justice) of J. Rawls and R. Dworkin, the main task of the state is not only to establish the fact of the offense, but also to restore the violated legal status of the individual, eliminate the consequences of injustice, and compensate the victim for material and moral damage [12]. In this sense, the restoration of rights in a modern state is based not only on a punitive approach, but also on the combination of compensatory, rehabilitation, and preventive mechanisms.

In Uzbekistan, this direction is implemented through the interaction of courts, prosecutor's offices, investigative bodies, the Ombudsman, the Business Ombudsman, the Special Inspectorate of the Ministry of Internal Affairs, as well as civil society institutions. In this case, the courts are the main and final stage of restoring violated rights, and a fair court decision acts as a restorative legal instrument. In judicial proceedings, the presentation of evidence by the prosecutor's office, the provision of objective information by investigative bodies, and the justification of the defense position of lawyers are

manifested as a complementary system. The increase in the number of acquittals and the increase in the number of rehabilitated persons in the judicial practice of Uzbekistan in recent years also testifies to the strengthening of this interdepartmental harmony.

Another important link in the restoration of violated rights is the prosecutor's office, which applies such mechanisms as filing protests against illegal decisions, suppressing cases of abuse of power, and protecting the interests of citizens. Decree No. UP-6012 strengthened the institutional model of information exchange and interaction between the prosecutor's office and the Ombudsman, significantly accelerating the process of restoring violated rights.

In cases of torture, unlawful detention, or unlawful interference by officials, cooperation between the Special Inspectorate of the Ministry of Internal Affairs, the Department for the Investigation of Especially Serious Crimes of the Prosecutor General's Office, and the courts ensures criminal liability. This process also serves to strengthen the principle of "zero tolerance for impunity" at the national level, as noted by J. Nowak[13].

The Ombudsman institution, especially within the framework of the National Preventive Mechanism (NPM) introduced in 2019, works to identify and restore violated rights through monitoring visits to institutions related to prisoners. This process requires the direct interaction of state bodies - the Ministry of Internal Affairs, the prosecutor's office, penitentiary institutions - and civil society organizations.

And the Business Ombudsman created a new effective mechanism for restoring economic rights, since he has the authority to independently file a claim with the courts to restore the violated rights of entrepreneurs. Another important aspect is the systematic monitoring of the cancellation of illegal decisions of regulatory bodies against business entities, which strengthens the state's responsibility to economically active entities.

The issue of the effectiveness of mechanisms for eliminating human rights violations in the doctrine of international law is always controversial. For example, according to M. Nowak, the most effective means of preventing torture and other ill-treatment is the practice of regular monitoring, which strengthens institutional prevention, since by ensuring transparency, the occurrence of offenses itself is not allowed [14]. In this case, the activities of such structures as the National

Preventive Mechanism (NPM) are interpreted as an instrument for early detection and prevention of offenses.

However, P. Chambon considers this approach insufficient. In his opinion, the monitoring system strengthens superficial control, but serious human rights violations, in particular cases of torture, are eliminated, first of all, by ensuring the activities of independent investigative bodies and the accountability of officials [15]. Chambon argues that if an offending official consistently avoids punishment, monitoring itself will not yield real results; the main determining factor is the inevitability and transparency of punishment.

This theoretical approach is reflected in the integration of two models in the case of Uzbekistan: on the one hand, the monitoring carried out by the NPM performs a preventive function, allowing the identification of conditions of torture, illegal detention, or humiliation of human dignity; on the other hand, the activities of the prosecutor's office and judicial bodies form a mechanism for curbing the vice of impunity. Thus, the current model of human rights restoration in Uzbekistan is based on the synthesis of two major theoretical trends in international doctrine.

There are different approaches to this issue. Academician A. Saidov acknowledges that the Ombudsman institution has become the "central coordinator" of the institutional system for the restoration of violated rights. In his opinion, the Ombudsman's activities contribute to improving the quality of human rights protection through coordination between government bodies, monitoring, and reporting analytical findings to parliament [16].

On the contrary, Professor G. Yuldasheva points to the voluntary nature of the implementation of the Ombudsman's recommendations as the main problem in the system. In his opinion, until the enforcement mechanism becomes mandatory, the recommendations will not achieve real practical results, as a result of which the effectiveness of the Ombudsman institution will decrease and the process of restoring rights will slow down [17]. This idea is theoretically consistent with Chambon's concept that "the inevitability of punishment is a decisive factor."

Analyzing the above scientific discussions, it can be concluded that although a system for restoring violated rights has been formed in the practice of Uzbekistan, two important institutional reforms are necessary to increase its effectiveness.

1. Introduction of a "mandatory reporting mechanism" for the implementation of the Ombudsman's recommendations, that is, the obligation of state bodies to justify the reasons for the implementation or non-implementation of the recommendations received from the Ombudsman (based on international best practice - the "comply or explain" model).

2. Creation of a "regional rating system" for monitoring MPM, which will allow publishing conditions in places of detention, the frequency of violations, and the level of implementation of recommendations as open statistics by region.

These proposals will not only increase the transparency of restorative mechanisms, but also serve to identify differences between regions, minimize systemic shortcomings, and most importantly, strengthen citizens' trust in the state.

In conclusion, in restoring the violated rights of citizens, state bodies - the court, prosecutor's office, internal affairs bodies, the ombudsman, the business ombudsman, and others - work in close cooperation. Although each agency operates within its competence, their unity towards a single goal is the restoration of justice and the satisfaction of citizens. Therefore, many organizational and legal forms have been established in the practice of restoring rights, such as interdepartmental commissions, operational investigative groups, and the participation of departmental representatives in court sessions. This, in turn, serves to strengthen citizens' trust in the state.

4. Cooperation in the field of working with appeals. Working with citizens' appeals is one of the most important processes ensuring that the activities of state bodies serve the interests of the people. Interagency cooperation plays an invaluable role in improving the system of working with appeals in the field of human rights and resolving the problems identified through them. In recent years, an innovative approach to working with appeals has been introduced in Uzbekistan: the Virtual Reception of the President and the Institute of Public Receptions have been created. This system directs citizens' appeals directly to a single center, where they are forwarded to the relevant agency depending on the issue, and their execution is monitored.

During 2017-2021, more than 5 million 780 thousand appeals were received through the Virtual Reception of the President (pm.gov.uz) and the Public Reception

Offices network, of which more than 3 million 288 thousand were satisfied. The satisfaction rate of appeals increased year by year, from 47.5% in 2017 to 86.7% in 2021 [18]. This unprecedented growth indicates a radical improvement in the attitude of government bodies to citizens' appeals. Of course, coordinated cooperation between various agencies played an important role in achieving such success. How does the address system work? After applying to the reception office regarding a citizen's issue, the application is entered into the online database and sent to the responsible agency. For example, if there is a housing issue - it is sent to the district khokimiyat, if there is a pension issue - to the Pension Fund under the Ministry of Finance, if there is a court decision - to the Judicial Department, if there is a complaint about an offense - to the prosecutor's office. For each appeal, deadlines have been established, within which the agency is obliged to provide a response. Employees of the People's Reception Offices under the Presidential Administration monitor the execution of appeals on the ground, and if necessary, organize meetings with representatives of agencies with the participation of the applicant. On complex issues, field receptions are held with the participation of sector heads - khokims, prosecutors, heads of internal affairs and tax authorities, and problems are solved. As a result of cooperation based on the "single window" principle, the long-standing problems of thousands of citizens were solved. For example, in 2017, many complaints were received regarding the issue of cashing out funds on plastic cards. Based on the analysis of these appeals, the government took appropriate measures, and in a short time, the number of ATMs was increased, and the problem of easy cashing out of funds on plastic cards was eliminated. As a result, since 2018, complaints on this issue have practically ceased to be received in reception offices. Thus, based on the analysis of appeals, systemic problems are identified and resolved through interdepartmental cooperation, and appeals on many issues of concern to citizens have been completely reduced.

The participation of representatives of the Oliy Majlis and local Kengashes in the sphere of working with appeals is also increasing. In the lower house of parliament, the practice of "working with appeals and deputy inquiries" has been introduced, in which deputies hold receptions of citizens on the ground and direct their problems to the relevant agencies. In the regional Councils of People's Deputies, "Dialogue with the People" days have been established, and the heads of

state bodies on the ground are working together to solve the problems of the population at the regional, city, and district levels. For example, during field receptions of sector heads organized at the initiative of the Andijan regional administration, more than 14,800 problems in the region were registered in 2022, most of which were resolved on the spot or sent to higher organizations. This experience has become widespread in other regions, and through the "mahallabay" system, the problematic points of each mahalla are being addressed.

New technologies are also being introduced for resolving appeals through the integration of government bodies. A single platform "Applications Portal" has been created, through which citizens can submit their appeals to various agencies online and monitor the response. The Ministry of Justice, the Ombudsman's office, Public Reception Offices, and other agencies are connected to this portal, and the application or complaint is automatically sent electronically to the relevant agency. Also, appeals that have exceeded the deadline for execution or were executed poorly are registered in the system with a special mark and brought to the attention of the higher organization. Such digital solutions accelerate interagency information exchange and avoid bureaucratic delays.[19]

The Ombudsman and his regional representatives also play an important role in working with appeals. Since 2021, regional representatives of the Ombudsman of the Oliy Majlis for the Republic of Karakalpakstan, regions, and the city of Tashkent have begun working on a permanent basis. As a result, citizens now have the opportunity to apply to the Ombudsman's representative in their region, without coming directly to Tashkent. This innovation significantly expanded the possibilities of saving citizens' time and money, studying appeals on the spot, and conducting prompt monitoring. Representatives of the Ombudsman have established a path of cooperation with sector heads, prosecutor's offices, and internal affairs bodies in their territory. For example, if a representative of the Ombudsman wants to study the conditions of detention in a region, they will draw up a joint monitoring plan with the regional prosecutor's office and the territorial penitentiary department of the Ministry of Internal Affairs and organize joint visits. Or, if a complaint is received from a citizen against the khokimiyat, the representative of the Ombudsman submits a proposal to the regional prosecutor and manages to solve the problem.

The Children's Ombudsman also works closely with relevant agencies in the consideration of appeals related to the rights of children. For example, if appeals related to the violation of the rights of minors are received by the Children's Ombudsman, he organizes the resolution of the issue on the spot with the involvement of the relevant territorial Children's Commission. At the initiative of the Children's Ombudsman, in 2022, national and regional commissions on juvenile issues were created on the ground, which are constantly engaged in the prevention of violations of children's rights. These commissions, uniting local subdivisions of the Internal Affairs, Public Education, Healthcare, and other services, began to comprehensively address the issue of each specific child. This is an achievement achieved thanks to the multilateral cooperation of state bodies.

In general, representatives of civil society - non-governmental non-profit organizations and the media - also cooperate with government agencies through appeals. Many appeals received by the People's Reception Offices of the President may have actually been formed on the basis of problems raised by local media or bloggers. State bodies, taking this into account, strive to monitor public opinion and take prompt measures. This form of public control strengthens the principles of openness and accountability in the country. In particular, NGOs are involved in the work of the parliament and parliamentary commissions, submitting proposals to state bodies on the protection of citizens' rights. As a result of such cooperation, problems in society do not remain "hidden," but are quickly identified and resolved through interdepartmental efforts.

4. Conclusion

In conclusion, the system of working with appeals is one of the most effective forms of interaction between government bodies. Indeed, in this process, all levels of management (from the center to the mahalla) are united around a single goal - to be a balm for the people's pain. The experience of Uzbekistan has shown that interdepartmental coordination and close cooperation are necessary for establishing a system of dialogue between the state and society. Today, this principle has become widespread in our country, and as a result, the level of public satisfaction with the state is increasing. This is undoubtedly a bold step towards ensuring guaranteed human rights.

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