
LEGAL REGULATION OF THE ACTIVITIES OF THE OMBUDSMAN FOR CHILDREN IN UZBEKISTAN: A REQUIREMENT OF THE TIME

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ABSTRACT

The article discusses the role of the Institute of Children's Ombudsman in protecting the legitimate interests of children, restoring their violated rights, protecting children from violence, the tendency of creation and formation of the institution of the representative and their comparative-legal analysis, advantages of adoption of the Law "About the Ombudsman" in protection of honor and dignity, the rights, freedoms and legitimate interests of the child in Uzbekistan.

KEYWORDS: *Children's Ombudsman, Children's Interests, Legal Protection, Personality, Honor And Dignity Of The Child, Children's Appeal, National Commissions For Children's Affairs, Legal Status Of The Ombudsman, Independent Institution, Parliamentary Control.*

INTRODUCTION

Children are a legitimately and socially helpless, defenseless and vulnerable section of the populace (society). Children don't have the capacity to autonomously guard their rights and true blue interface and to look for the assistance of qualified legal counselors and other experts. According to Professor F. Muhitdinova, "children need comprehensive care and protection, as well as legal protection, due to their youth, the development of their receptive abilities, the fact that they are not yet ready for independent living" [1].

Nowadays, many foreign countries confront issues such as protecting the legitimate interests of children, reestablishing their violated rights, protecting children from savagery. Consequently, every state incorporates a direct duty to ensure the protection of children while it is curious about raising a spiritually, mentally and physically healthy generation. International experience shows that in many foreign countries, the Children's Ombudsman acts as an autonomous institution in the assurance of the rights of children, guaranteeing their legitimate interests.

The tendency to establish an institution of the Ombudsman for Children in the world, first of all, with the ratification of the Convention on the Rights of the Child on November 20, 1989 by the UN member states [2, p. 14]; it was also linked to the fact that the 1990 World Summit on Children, held at the UN headquarters in New York, noted that the situation of children's rights in the world was critical [3, p. 590].

It should be noted that the institution of the Ombudsman for Children existed in some countries even before the adoption of the Convention on the Rights of the Child. In particular, the post of Ombudsman or Ombudsman for Children was first established in Norway in 1981. It was later established in Costa Rica in 1986 and in one of the regions of Italy in 1988 [4]. In Sweden, such an institute was established in 1993. In 1997, the institute was announced in 20 countries, and in 2014 alone, the number of children's ombudsmen increased from 44 to 77 [5, pp. 59-63].

THE MAIN FINDINGS AND RESULTS

Today, the Ombudsman for Children, who works in about eighty countries around the world, is more widespread in Europe and Latin America than in any other country.

In foreign countries, the institution of the Commissioner for Children's Rights is recognized as an independent, legislatively established body created to protect the rights and interests of children. The main task of the Commissioner for Children's Rights is the implementation of the provisions of the Convention on the Rights of the Child, the active involvement of the whole society and the state in the protection of the person, honor, dignity, rights, freedoms and legitimate interests of the child.

An examination of the exercises of the Ombudsman for Children appears that it has its claim similarities and differences. It conducts its activities within the following three areas: protection of the rights of a particular child; protection of the interests of certain categories of children and children in general; conduct activities in the interests of all children [6, pp. 84-87].

The method of formation of the Ombudsman for Children differs as follows:

- 1) In Norway, Sweden and Croatia, this institution is established by a special law adopted by the parliament;
- 2) In Poland, the children's ombudsman has constitutional status;
- 3) Shall be established in New Zealand in accordance with the Law on the Protection of the Rights of the Child;
- 4) In Canada, Spain, Denmark, the Ombudsman for Children is created in the system of state bodies and ombudsmen are staff members of state bodies and are accountable to the head;
- 5) Organized by non-governmental organizations in Finland.

In many foreign countries, the activities of children's ombudsmen are regulated by special laws.

Like all spheres of our life, our Constitution serves as a premise for the development of legal standards aimed at the legal regulation of children's rights and their legitimate interests. Ratification of the Convention on the Rights of the Child, adopted by the UN General Assembly on December 9, 1992 and on November 20, 1989, was a vital step in shaping the legal and social status of children. Through this document, Uzbekistan has undertaken to comply with the rules and standards of international traditions, to improve the national lawful framework for the assurance of the rights of the child, and to be accountable to the world community.

In recent years, large-scale work has been carried out in Uzbekistan to protect the rights and legitimate interests of children, to ensure their development as a harmonious generation, to create conditions for the spiritual and physical development of children.

In 2017-2021, tasks such as protection of motherhood and childhood, provided for by the strategy of action on five priority directions of development of the Republic of Uzbekistan, radical improvement of conditions for all-round, aesthetic and physical development of children were carried out gradually.

The post of Deputy Commissioner for Human Rights (Commissioner) has been introduced. The Oliy Majlis of the Republic of Uzbekistan, the Commissioner for Children's Rights, has strengthened responsibility for administrative coercion of minors, housing for orphans and children left without parental care who have graduated from educational institutions, secured.

At the same time, the institutional and legal framework for protecting the rights and legitimate interests of children has been radically improved.

A dialogue platform has been created to strengthen cooperation and constructive communication between the children's ombudsmen of the CIS member States in ensuring the rights of the child. The new format of interaction between representatives of the CIS member States is important for the Commissioner for Children's Rights in Uzbekistan.

According to the Commissioner for Children's Rights in Uzbekistan Aliya Yunusova, "Today we are taking steps not only to support the programs implemented in our countries, but also to integrate the institutions of the Ombudsman and other human rights mechanisms in ensuring the rights of the child in the CIS member states. Undoubtedly, mastering and applying the best practices accumulated over the years will bring good results" [7].

On August 9, President Shavkat Mirziyoev signed a decree "On measures to further improve the system of guarantees of the rights of the child" [8]. The document established the Institute of the Commissioner of the Oliy Majlis for the Rights of the Child (the Commissioner for the Rights of the Child) and abolished the post of Deputy Commissioner (Ombudsman) for Human Rights - the Commissioner for the Rights of the Child.

In Uzbekistan, the Commissioner for Children's Rights exercises his powers independently of State bodies and their officials and is accountable to the Chambers of the Oliy Majlis. The Commissioner for Children's Rights is elected by the Legislative Chamber and the Senate of the Oliy Majlis for a term of five years. A candidate for the post of children's Ombudsman is nominated by the President for consideration by Parliament.

According to the resolution, the Republican Interdepartmental Commission for Minors of the Republic of Karakalpakstan, the region and the city of Tashkent, as well as district (city) interdepartmental commissions were reorganized into republican and regional commissions for children, respectively.

An action plan has been developed to further improve the system of guarantees of the rights of the child, which will be devoted to further improvement of the legislative framework to increase guarantees of the rights of the child and organizational measures to ensure the rights of the child. In particular, measures have been strengthened to further liberalize the criminal responsibility of children, strengthen procedural guarantees of the rights of the child in the judicial process, and further strengthen guarantees of the right of the child to live with his parents.

According to the Commissioner for Children 's Rights Aliya Yunusova:

- The main purpose of the draft Law of the Republic of Uzbekistan "On the Commissioner for the Rights of the Child" is to create the institution of the Commissioner for the Rights of the Child and regulate public relations related to his activities, the implementation of the provisions of the UN Convention on the Rights of the Child. The Rules of the Child and other international documents on the rights of children and youth.

The Decree of the President of the Republic of Uzbekistan dated May 29, 2020 "On additional measures to improve the system of protection of the rights of the child" and the draft law "On the Commissioner of the Oliy Majlis of the Republic of Uzbekistan on the Rights of the child" [9-10] were announced for public discussion and defined as:

Participate in the development and implementation of the strategy for the implementation of the UN Convention on the Rights of the Child and other documents on the rights of the child;

Explain to children and their legal representatives the rights, freedoms and legitimate interests of the child, promote the provisions of international and national norms on the activities of the Commissioner for the Rights of the Child and the Rights of the Child;

Raising the legal awareness and legal culture of the population on the rights, freedoms and legitimate interests of children;

Ensuring guarantees for the protection of the rights, freedoms and legitimate interests of the child by considering the appeals of individuals and legal entities, including children and their legal representatives, about the violation of the rights and legitimate interests of the child; To study the

implementation of the norms and requirements of the legislation on guarantees of the rights of the child;

Within its competence to monitor the implementation of international standards of children's rights and freedoms in legislation and the observance of children's rights in the activities of state bodies and other organizations;

Inform the public about the state of observance and protection of the rights, freedoms and legitimate interests of the child;

Assistance in the social adaptation of disabled children, as well as orphans and children deprived of parental care, after graduation;

Assistance in providing orphans and children left without parental care who have graduated from educational institutions with housing that meets established sanitary and technical standards and other legal requirements in the trust fund of communal housing;

Promote the improvement of legislation on the rights, freedoms and legitimate interests of the child, including the adoption of norms aimed at ensuring the best interests of the child, including proposals for the ratification of international treaties on the rights and freedoms of the child;

To assist in improving the activities of state authorities, citizens' self-government bodies, non-governmental non-profit organizations and other civil society institutions in the field of ensuring and protecting the rights, freedoms and legitimate interests of children by providing consultations, recommendations and conclusions;

Development of international cooperation in the field of ensuring the rights, freedoms and legitimate interests of the child.

In our opinion, the draft law of the Republic of Uzbekistan "On the Commissioner for the Rights of the Child (Commissioner for the Rights of the Child)" provides the legal basis for the representative's activities, the procedure for his election and the basic principles of the representative's work; requirements for a candidate for representation and activities incompatible with the activities of the representative; a report on the activities of the representative, his participation in the preparation of reports on the rights of the child; duties and activities of the representative and his rights; consideration of appeals by the representative, as well as conditions for consideration of appeals; the rights of the representative when considering complaints, appeals to the Commissioner for Human Rights in relation to children detained and arrested, administratively detained and sentenced to imprisonment; the duties and conclusions of the representative arising from the results of the complaint; the Public Council for the Protection of the Rights of the Child and its responsibilities; cooperation of the representative with non-governmental non-profit organizations and other civil society institutions; the regional representative of the representative in the Republic of Karakalpakstan, regions and the city of Tashkent; We consider it appropriate to include the Commissioner's Secretariat and issues of logistical support for the Ombudsman's activities.

CONCLUSION

The adoption of this bill will strengthen the organizational and legal foundations of parliamentary supervision over the provision and protection of the rights, freedoms and interests of the child; the institutional framework for the protection of the rights and legitimate interests of children will be improved; legal gaps in the implementation of international standards of children's rights in legislation and law enforcement practice will be eliminated. The powers of the Ombudsman will be expanded and its activities will be strengthened, which will further increase the responsibility of the highest state bodies and their officials. The legal framework for the Ombudsman's cooperation with State bodies and civil society institutions will be improved. Simultaneously with

the adoption of the law, special norms will be introduced into the Criminal Code of the Republic of Uzbekistan, the Penal Enforcement Code, the Code of Administrative Responsibility, the Law on Normative Acts. Thus, the Law of the Republic of Uzbekistan “On the Commissioner for the Rights of the Child” provides a basis for further improvement of the activities of the Commissioner for the Rights of the Child in ensuring parliamentary oversight of compliance with current legislation in this area.

The experience of foreign countries shows that the activities of ombudsmen specializing in children's rights improve public administration in the interests of the child, implement the provisions of the Convention on the Rights of the Child in legislation and law enforcement agencies, increase respect for the child, raise public awareness - serves to protect the honor and dignity, rights, freedoms and legitimate and supreme interests of the child by mothers and their surrogate mothers.

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