

The Effectiveness Of International And National Institutions For The Protection Of Human Rights: The Experience Of Uzbekistan And Directions For Improvement

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Abstract

The article analyzes international monitoring mechanisms for the protection of human rights as well as the system of national institutions existing in Uzbekistan through a comparative normative approach. In particular, it examines evaluation criteria for the effectiveness of the Ombudsman institution and national human rights institutions, including the scope of mandate, independence, work with complaints, monitoring, development of legal recommendations, and harmonization with international standards. The article also proposes practical recommendations for improvement based on international experience and the Paris Principles. The research methodology includes normative legal analysis, comparative approach, and assessment of effectiveness indicators.

Key words: Human rights, Paris Principles, Ombudsman, National Institutions, UN bodies, effectiveness indicators, complaint mechanisms, monitoring.

Introduction

The protection of human rights has become a central priority of modern legal systems, supported by a complex interaction between international monitoring mechanisms and national institutional frameworks. Global structures such as treaty bodies and peer review procedures establish standards, while domestic institutions translate these norms into practical enforcement.

In Uzbekistan, constitutional provisions and participation in numerous international conventions form the legal foundation for a multi level system aimed at safeguarding rights and freedoms. This system includes parliamentary oversight, specialized agencies, and complaint mechanisms designed to ensure accountability and responsiveness.

Despite these developments, the relationship between international standards and national implementation remains uneven. Theoretical frameworks such as the Paris Principles emphasize independence, broad mandate, and effectiveness as core elements of national human rights institutions. Prior studies highlight that while quantitative indicators such as number of complaints or reports demonstrate activity, they do not necessarily reflect real impact. In Uzbekistan, existing research and reports show institutional growth and increasing engagement with international bodies, yet gaps persist in measuring qualitative outcomes such as restoration of rights, enforcement of recommendations, and public trust.

This study addresses that gap by analyzing the effectiveness of both international and national mechanisms through a comparative normative approach. It applies structured indicators to assess performance and identify inconsistencies between formal compliance and actual results. The research expects to reveal that while institutional frameworks are well established, their effectiveness depends on deeper integration of qualitative evaluation methods. The findings aim to contribute to policy improvement by proposing practical recommendations that strengthen accountability, enhance transparency, and align national practices with international standards.

Methodology.

This research employs a comparative normative and analytical methodology to evaluate the effectiveness of human rights protection mechanisms at both international and national levels. The study is based on systematic examination of legal documents, institutional reports, and international standards, including treaty body frameworks and the Paris Principles. A comparative approach is used to analyze how international requirements are incorporated into the national system of Uzbekistan, focusing on key institutions such as the Ombudsman, national human rights bodies, and complaint handling mechanisms. The analysis applies a structured system of effectiveness indicators divided into three categories: structural indicators assessing legal mandates and institutional design, process indicators evaluating operational activities such as monitoring, reporting, and handling complaints, and outcome indicators measuring tangible results including restoration of rights and policy changes. In addition, elements of qualitative assessment are integrated to address limitations of purely quantitative data, particularly in evaluating institutional independence, transparency, and public trust. The methodology also incorporates review of recent statistical data and official reports to identify trends and performance gaps. This combined approach ensures a comprehensive evaluation of how effectively human rights institutions function in practice and how closely they align with international standards.

Result and Discussion.

The main strength of international mechanisms lies in monitoring through independent experts and strengthening state accountability. According to the Office of the UN High Commissioner for Human Rights, treaty bodies are independent expert committees that supervise the implementation of core human rights treaties [1].

Currently, there are 10 active treaty bodies monitoring the following conventions:

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Committee on the Rights of Persons with Disabilities (CRPD)

- Committee on Enforced Disappearances (CED)
- Subcommittee on Prevention of Torture (SPT)

Such mechanisms systematically encourage states to submit reports and align national legislation and practices. Treaty bodies exert influence through “soft power” mechanisms — recommendations, transparency, and reputational pressure [1].

The Universal Periodic Review (UPR) mechanism provides for peer review among states. Uzbekistan underwent its fourth periodic review at the UN Human Rights Council in November 2023 and received 234 recommendations, of which 219 were accepted [2]. The effectiveness of the UPR is reflected in the level of implementation — the incorporation of recommendations into national legislation and practice.

Article 13 of the Constitution of the Republic of Uzbekistan also establishes that ensuring human rights and freedoms is the highest goal of the state [3]. This normative basis forms the foundation of the national institutional system. In addition, Uzbekistan has acceded to more than 70 international treaties and conventions, which further strengthens the necessity of national mechanisms for fulfilling international human rights obligations [3].

Several institutions responsible for human rights protection have been established in Uzbekistan:

1. Authorized Person of the Oliy Majlis for Human Rights (Ombudsman) — exercises parliamentary oversight and ensures restoration of citizens’ rights.
2. National Center for Human Rights of the Republic of Uzbekistan — a state body responsible for education, legal awareness, research, and international cooperation [4].
3. Business Ombudsman — protects the rights of business entities.
4. Human Rights Department within the Ministry of Justice.
5. Departments combating torture within the Prosecutor General’s Office system.
6. Presidential People’s Reception Offices — work directly with citizens’ complaints [5].

The national system of human rights protection in Uzbekistan is structured as a multi-level and comprehensive mechanism. Below is a scientific-methodological description of the legal status and activities of these institutions.

Firstly, the Ombudsman acts as a parliamentary oversight institution that assists in restoring violated rights and freedoms. It conducts independent monitoring of state bodies and officials, reviews complaints, and provides recommendations for eliminating violations.

Secondly, the National Center for Human Rights performs scientific, analytical, educational, and organizational functions. It participates in developing national human rights strategies, promotes legal awareness, cooperates with international organizations, and coordinates preparation of international reports.

Thirdly, the Business Ombudsman specializes in protecting the rights and legitimate interests of entrepreneurs. It prevents unlawful interference in business activities, resolves disputes between entrepreneurs and state bodies, and develops recommendations to improve the business environment.

Fourthly, specialized units within the Ministry of Justice adapt normative legal acts to human rights standards, conduct legal monitoring, and enhance public legal literacy.

Fifthly, special departments combating torture operate within the Prosecutor General’s Office system. These units identify, investigate, and prevent cases of torture and ill-treatment, thereby protecting human dignity.

Sixthly, Presidential People’s Reception Offices function as a mechanism for handling direct complaints from citizens. Through this institution, individuals can directly communicate their problems and grievances to state authorities, thereby increasing public participation in governance.

Overall, national institutions operate cooperatively, forming an institutional mechanism for ensuring human rights, preventing violations, and strengthening democratic governance.

The UN Paris Principles, adopted in 1993, serve as an important methodological standard for evaluating national human rights institutions [5] (NHRIs). They include:

1. Broad mandate
2. Independence (legal, organizational, financial)
3. Pluralism
4. Adequate resources
5. Wide powers (monitoring, legislative proposals, education)
6. Direct engagement with citizens [6]

Mandate And Powers Of The Ombudsman Of Uzbekistan

According to the Law “On the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman),” the Ombudsman is granted extensive powers [7]:

- Parliamentary oversight over compliance with human rights legislation
- Receiving and investigating complaints
- Requesting documents from state bodies
- Sending recommendations to competent authorities
- Submitting annual reports
- Assisting in restoring constitutional rights and freedoms

If violations are identified, the Ombudsman may submit recommendations requiring a reasoned response, thereby strengthening institutional effectiveness.

According to the Ombudsman’s report:

By the end of 2025 [8]:

- 26,372 complaints were received
- 11 billion 82 million soums were recovered in favor of citizens
- “Ombudsman Hour” sessions were conducted in 204 schools and 81 districts covering 11,400 students
- The “Equality and Respect” platform was launched

While quantitative indicators demonstrate positive dynamics, qualitative indicators — such as percentage of resolved complaints, restored rights, legislative proposals, and implementation rate of recommendations — remain insufficiently available.

International experience shows that strong NHRI models rely on three pillars:

1. Real independence
2. Broad mandate
3. Measurable results [9]

OHCHR and GANHRI methodologies propose evaluation through [10]:

- Structural indicators (laws, ratification, mandates)
- Process indicators (budget, staff, monitoring visits, reports)
- Outcome indicators (restored rights, legislative changes, public trust)

One practical direction of human rights protection in Uzbekistan is the complaint-handling system. The Presidential Decree of December 28, 2016 (DP-4904) significantly improved this system by [10]:

1. Transforming complaints from formal correspondence into a problem-solving cycle
2. Strengthening preventive mechanisms
3. Introducing rapid restoration mechanisms
4. Expanding electronic complaint systems

This decree strengthened a proactive approach and increased accountability of public authorities [11].

Conclusion

Uzbekistan's experience demonstrates that the institutional system for human rights protection has been constitutionally and legally established, including the parliamentary Ombudsman, National Center, complaint mechanisms, and alignment with international standards.

However, further improvement requires:

1. Transition from quantitative to qualitative indicators
2. Strengthening transparency and accountability
3. Ensuring institutional independence
4. Increasing compliance with international standards through independent audits
5. Developing follow-up mechanisms for implementing international recommendations

Consistent work in these areas will enhance the effectiveness of national institutions in Uzbekistan, ensure compliance with international standards, strengthen the rule of law, and

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