

## STRUCTURAL AND LEGAL SIGNIFICANCE OF INTERNATIONAL ORGANIZATIONS ON THE RIGHT TO EDUCATION: WITHIN THE FRAMEWORK OF THE EDUCATIONAL LEGISLATION OF UZBEKISTAN

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**Abstract:** The Article analyzes the fulfillment of the obligation of international organizations by states, specifically focusing on the local legislation of Uzbekistan to ensure the right to education among different population groups, in particular, persons with disabilities, members of national minorities, children's rights to education, while providing with the legal basis and recommendations are given in this regard. The documents of recommendatory importance issued by international organizations are aimed at the development of each field from all sides, the regulation of local legislation of the state, and compliance with international standards. As a country that has entered the third renaissance, the development of the education sector in Uzbekistan and the study of international organizations, their convention bodies, and the experiences of foreign countries are the most important factors. Mainly in the field of education, attention should be focused on strengthening the rights of children to education by the state, and creating a fundamental basis of legislation in this regard, because every reform should be started from the starting point. In addition, the article analyzes the importance of the right to education and its connection with the branches of law. The right to education is also related to cultural rights. A person approaches the process of education based on the culture, history, mentality, and values of the society in which he lives, and acquiring fundamental knowledge in these areas is necessary for education. The right to education is connected with economic rights. Because through education, a person joins modern economic activities, gets full use of all the opportunities of society. In addition, funds spent on education are important for economic development. As mentioned above, education provides a person, defines a person's place in society.

**Keywords:** discrimination in education, Universal Declaration of Human Rights, UNESCO, the Rights of the National Minority to Education.

### Introduction

Education is a continuous process throughout a person's life. The educational process includes the stages of imparting knowledge, creating qualifications and skills, orienting a person to life and work economically and spiritually.

Education means "teaching" in a narrow sense. But it means not only the process of teaching in different types of educational institutions, but also the process of providing information in the family, production, and other areas.[1] Therefore, the subjects of the educational process are not only the teacher and the student, but also all those who receive and provide information related to daily life needs. In the example of the family sphere, if we emphasize education, unintentional, upbringing also acquires unity. In Eastern countries, the education process includes upbringing at the same time, and each country approaches it based on its national values. In particular, at the initiative of the President of the Republic of Uzbekistan, approaching the upbringing as a subject was introduced in general secondary educational institutions

starting from the 2020-2021 academic year. This was a practical proof of the idea of "from national revival to national rise" as one of the goals of the concept of continuous spiritual education.

According to the first Article of the 19-Articled UNESCO Convention on Combating Discrimination in Education, adopted on 14 December 1960, the term "education" refers to all types and stages of education, including the process of accession to education, the level and quality of education and the conditions in which it is conducted.

### **DISCUSSION AND RESULTS**

The guarantee of the right to education by the state is a means of ensuring social relations by increasing human capital, eliminating poverty and unemployment, which are one of the most important problems in society.

According to the data, since the 1970s, the number of illiterate people in the world has been decreasing. Over the past fifty years, the global adult literacy rate has increased from 67 percent in 1976 to 87.01 percent in 2022. However, according to the UNESCO report, the situation related to education remains very urgent in some regions, including Africa.

An international forum in the field of education in Dakar (Senegal), was held in 2000, in order to make decisions on reducing the number of illiterates in the world, to expand the right to education in problem areas, to reflect the accepted norms in national legislation and to set the most important goals in this field. As stated in it, children should receive primary education regardless of the country of the world. The following goals were set at the forum:

- Expansion and implementation of comprehensive activities on education and care of children from a young age;
- Provision of free and compulsory primary education;
- Satisfying the educational requirements of young people and adults;
- Increase the literacy of the adult population by 50%;
- Elimination of illiteracy among boys and girls in primary and secondary education;
- Improving the quality of education in every way;

Two of these goals are included in the UN Millennium Development Goals:

- Free and compulsory primary education along with gender equality in primary and secondary schools;
- Promotion of education as one of the basic human rights;
- To increase the quality of education by diversifying its content and methods;
- Experiments, innovations, publications, exchange of best practices and information, as well as development of education policy dialogue.

Representatives of UNESCO say that decisions made at the Dakar conference are not being implemented in dozens of countries. However, under the influence of various factors in the world, illiteracy is still manifested in various population groups. According to UNESCO, if all women were literate, the number of deaths among children in the world would decrease. In the countries of South and West Asia and Africa, when girls got primary education, the number of early marriages decreased by 14%, with receiving secondary education, the number of early marriages decreased by 64%.

The right to education, speech, thought, conscience, religion and political opinion of a person were noted as being interconnected with all rights such as freedom of religion, political view on the "International Bill of Human Rights" adopted in 1948, which included education among human rights for the first time. For this reason, the right to education belongs to the category of human rights of the first generation.

As stated in Article 26 of the Universal Declaration of Human Rights, "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory." [2] It is also noted that education increases mutual understanding, tolerance and friendship between nations, racial and religious groups and contributes to maintaining peace. The Article also mentions the primary right of parents to choose how their child will be educated. In the process of education, the state guarantees the rights of the child and the person with disabilities to get education.

The UN Convention on the Rights of the Child (1989), which promotes the need for the state to provide opportunities for children with disabilities in the field of education, training and employment, is of particular importance. According to Article 23, Clause three of the Convention, the assistance provided by the state for children with disabilities "shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development". In addition, it is mentioned that this leads to the child's "cultural and spiritual development." [3] In fulfilling the obligations arising from the convention, the participating countries must ensure the rights of children and persons with disabilities to education in their national legislation, and in addition, the state should provide many opportunities. The Republic of Uzbekistan ratified this document on 9 December 1992. National reports of Uzbekistan on the implementation of the provisions of the convention are considered at the committee meetings. In particular, the introduction of inclusive education and training for children with special educational needs in educational organizations in Article 50 of the newly revised Constitution of the Republic of Uzbekistan fully complies with international standards. After all, now a person has the right to receive education in institutions along with healthy people, regardless of their disability. For example, if we take the example of Bukhara State University, 220 students with disabilities were admitted in the 2021-2022, 262 students in the 2022-2023, and 270 students with disabilities in the 2023-2024 academic years. It is known from the figures given that the provision of opportunities to students with disabilities in the framework of inclusive education is increasing year by year.

UNESCO, one of the special organizations of the United Nations, plays a special role in ensuring the right to education at the international level. UNESCO implements education, knowledge and culture, tourism through the National Commissions of each of its member states, aligns national legislation in these areas with international standards. In addition, by further developing the cooperation between nations, it contributes to the formation of the principle of respect for justice, the rule of law, human rights and basic freedoms, regardless of race, gender, language or religion, as stated in the Charter of the United Nations. In particular, as stated in the first Article of the Charter, which is called the purpose and function, the purpose of the Organization is to contribute to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms for all peoples, regardless of race, gender, language, and religion, based on the UN Charter adopted for the world's population.

The main goal of UNESCO in the field of education is to guarantee the right to education for every person, at all stages of life. The member states of UNESCO consider the education of a person to be the main role in improving social consciousness, human personality, material condition, and strengthening

social relations. In addition, directing a person to education, introducing anti-discrimination legislation in this area is an important element of the fight against poverty aimed at improving the economy.

Article 1 of the Convention on Combating Discrimination in Education, adopted in Paris on 14 December 1960, defines the terms "discrimination" (restriction of rights) and "education". The term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

Of depriving any person or group of persons of access to education of any type or at any level;

Of limiting any person or group of persons to education of an inferior standard;

Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or

Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.[4]

However, it is not considered as a discrimination creating separate educational systems or educational institutions for students of different sexes for religious or linguistic reasons, if the stipulated conditions are met. After all, it is allowed to introduce a separate educational institution in terms of language, place, time and religion, in which only girls or boys receive education, if the conditions are met. The main goal should be to improve the quality of education, to attract the learner to a full-fledged education. For example, the teachers of the educational center (preparatory course) operating under the name of "Ilm.Uz" in the Bukhara region of the Republic of Uzbekistan has achieved high results by teaching students of different genders (girls and boys) limiting the right to communicate with two genders for a certain period of time, in order to attract the learner to study with all his attention. On the scale of the republic, in 2018-2019, it was recognized as the educational center with the largest number of students entered higher education institutions on the basis of grants. However, the reason for the limitation of the right to communicate among representatives of different sexes was not due to language, race, ancestry, or ill health, but due to the concentration of the student's attention, focusing only on studying. Such methods are definitely not considered discrimination.

In Article three of the Convention, the participating states:

- undertake to eliminate or prevent cases of discrimination by canceling all legal documents and administrative orders related to discrimination in the field of education and putting an end to administrative practical cases;
- if necessary, take necessary legal measures to eliminate any discrimination in the admission of students to educational institutions;
- undertake to avoid any discrepancies in school fees, grant of scholarships, and other student aid, permits and privileges that may be required to pursue studies abroad. In addition, it is not permissible to restrict the right of citizens of the country to education by state bodies. In cases where state agencies provide certain types of support to educational institutions, it should not be allowed to grant privileges or set restrictions on students belonging to a certain group, and the state is obliged to provide foreign citizens residing in its territory with the same education opportunities as its own citizens.

Participating states have an obligation:

- to formulate, develop and implement public policies that are compatible with national conditions and traditions based on the program of actions in fulfilling the obligations arising from the convention, in particular, to make primary education compulsory and free;
- creating various forms of general secondary education and making it open to all; to make higher education accessible to all on the basis of full equality and according to everyone's ability;
- ensuring the fulfillment of all legal obligations in education; to provide equal conditions for the same level of education and quality of education in all state educational institutions;
- to provide an opportunity for those who have not completed primary education or who do not have the opportunity to complete it, to continue their education through the methods of encouraging and developing education in accordance with their abilities; training for the teaching profession without restrictions.

Uzbekistan became a member of UNESCO on 26 October 1993. The National Commission of the Republic of Uzbekistan on UNESCO affairs was established on 29 December 1994, and the Cabinet of Ministers of the Republic of Uzbekistan approved its composition. According to the proposal of the Cabinet of Ministers of the Republic of Uzbekistan, it was ratified on the basis of the decision of the Oliy Majlis of the Republic of Uzbekistan dated 30 August 1997 "On Ratification of the Convention on Combating Discrimination in the Field of Education". This convention entered into force for the Republic of Uzbekistan on 8 March 1998. As of April 2020, UNESCO has 193 member states and 11 associate members.

For example, one of the obligations is to create various forms of general secondary education and make it open to all. In the 10th-11th grades of educational schools, variable curriculums in five directions were introduced as a pilot test in 1035 classes (565 classes of 10th grade, 470 classes of 11th grade) in 627 schools across the country. The 2020-2021 academic year began on 14 September, and according to the relevant order of the ministry, it was decided to continue the pilot testing of alternative curricula in the current academic year. In addition, variation theory in education is widely used in higher education. After the adoption of the new constitution Uzbekistan is set as a social state and the demand for the training of workers in the field of "social work", which was considered a new profession has increased. Quotas of the field of "social work" have been allocated in Higher Educations. For example, at the Department of History and Jurisprudence of Bukhara State University, in the direction of "Social Work" are being taught subjects like "Foundations of the National Idea and Spirituality", "Labor Law", "Social Security Law", "Social Work", "Social philosophy", "International law", "Educational law". Students have the opportunity to choose the subject they are interested in.

According to paragraph "e" of Article three of the Convention "The Convention against Discrimination in Education", the countries participating in the Convention have undertaken to provide foreign citizens living in their territory with the same opportunity to receive education as their own citizens. As a practical implementation of the obligation coming from this convention, we can see that in recent years, good results have been recorded in terms of attracting foreign students to higher education institutions in the state territory and allocating quotas on a large scale. In particular, according to the statistics of 27 January 2022, "the number of foreign students studying in higher educational institutions of the republic amounted to 4.2 thousand people. The number of foreign students studying at higher educational institutions of the republic by years: in the 2017/2018 academic year - 1.3 thousand students; in the



2018/2019 academic year - 2.7 thousand students; in the 2019/2020 academic year - 3.6 thousand students"[5], noted the dynamics of increase.

In the provision of the right to education, the education of national minorities, especially language education, has a special place. Taking into account the wishes of national minority groups, providing a number of rights and opportunities of them by the state is one of the goals of this convention. Article five of the Convention mentions the rights of members of the national minority group to receive education. In particular, members of the national minorities have a right to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided.[4]

In particular, in the general secondary education system of the Republic of Uzbekistan, education opportunities are provided in eight different languages: Uzbek, Karakalpak, Kazakh, Kyrgyz, Russian, Tajik, Turkmen, and English. As of the beginning of the 2020/2021 academic year, there are 9,323 in Uzbek teaching educational institutions, and 8,153 of them teach only in the Uzbek language. As for the distribution of general education institutions and their students by the languages taught, at the beginning of the 2020/2021 academic year, there are 45 Turkmen, 378 Kara-kalpaks, 251 Tajiks, 1038 Russians, 48 Kyrgyz, 4 English. This is a proof of the realization of the rights of the peoples of the national minority to receive education in their mother tongue in our multi-ethnic country.

Guarantees for national minorities regarding the right to use their mother tongue in communication with the representatives of their own group, to learn and receive education in their mother tongue, the aforementioned rights to education are provided in several international documents. In particular, the "International Covenant on Economic, Social and Cultural Rights", Article 27 of the "International Covenant on Civil and Political Rights", Article 30 of the "Convention on the Rights of the Child", the UN "Convention on Human Rights", in the 34th chapter of the document of the Copenhagen meeting, 21 recommendations of "The Hague Recommendations on the Educational Rights of National Minorities", Article 4 of the UN Declaration on the "Rights of Persons Belonging to Small National, Ethnic, Religious and Linguistic Groups", "Protection of National Minorities" " Article 14 of the Basic Convention provides specific and more detailed guarantees.

In particular, the Organization for Security and Cooperation in Europe (OSCE) established the position of the High Commissioner for National Minorities in order to "prevent conflicts at the earliest possible stages" based on the 23 resolution of Helsinki Resolutions adopted in July 1992. The High Commissioner for National Minority Affairs, appointed by the Council, is responsible for "early warning" and, where necessary, national minority issues that have the potential to escalate into conflict in the region, affecting relations, peace and stability among OSCE participating States. The High Commissioner uses the technical tools and capabilities of the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw.[6]

According to the commissioner's statement, education is a very important element of preserving and deepening the unique characteristics of persons belonging to national minorities. Because education is related to economic and social rights as well as cultural rights. A person approaches the process of education based on the culture, history, mentality, and values of the society in which he lives, and having fundamental knowledge in these areas not only creates a need for education, but also teaches that values are passed from generation to generation serves as a boarding bridge.

On June 29, 1990, the Copenhagen document was adopted at the conference on human rights issues among the OSCE participating states, and obligations related to national minorities were described in detail in Part IV of the document. According to it, persons belonging to the group of national minorities have the right to exercise their rights and fundamental freedoms without any discrimination.

Persons belonging to the group of national minorities have the right to develop and continue their culture, free from assimilation (absorption of diverse groups into the local culture) against their ethnic, cultural, linguistic or religious identity and wishes. In particular, this includes mutual and public free use of one's mother tongue; voluntary financial and other contributions, as well as the creation and support of educational, cultural and religious institutions, organizations or associations with the help of the state, based on compliance with national legislation.

It is also necessary to mention that all the OSCE participating States are obliged to comply with the obligations of the UN regarding human rights, including the rights of national minorities, and most of them with the standards of the Council of Europe.

According to the second Article of the UNESCO Convention "On Technical and Vocational Education" adopted on 10 November 1989, the participating states agreed to formulate the necessary policy for economic and social development, as well as for the individual and cultural self-expression of a person in society, set strategies, technical and vocational education programs and curricula in accordance with their needs and resources, aimed at youth and adults which serve to acquire "know-how" and knowledge. In addition, when we look through the rights to education listed in Article 26 of the above-mentioned "Declaration of Human Rights" in stages, technical and vocational education should be affordable for everyone, including higher education within the scope of sufficient opportunity for everyone based on their ability. Here, the Article makes a distinction between compulsory primary education, open to all technical and professional education, and higher education available according to the knowledge potential. In other words, the "Declaration of Human Rights" emphasizes that everyone who wants to receive technical and vocational education should be given the opportunity.

It should be remembered that technical and vocational education covers not only the period before the preparation for work, but also the professional training carried out at the workplace itself. Therefore, we should focus on not only education and training in the narrow sense, but also on the workplace and environment. There are many recommendations and conventions of UNESCO and ILO organizations in the above-mentioned field that set many international standards. However, in this situation, it is important to distinguish the objective approach of UNESCO and ILO to technical and professional education. At this point, it is worth noting that in the Republic of Uzbekistan, on the basis of international experience, today, specialists of general secondary educational institutions provide students with vocational training from the seventh grade. Besides this, they provide services through the Internet to determine their interest in self-employment and create a database of such students, allocate special buildings for vocational training in schools, and teach students vocational skills; Vocational guidance is being widely introduced to 10-11th grade students of general secondary education institutions based on the (variable) curriculum in the field of elective subjects. In addition, on the basis of the Decree of the President of the Republic of Uzbekistan No. PD-134 of May 11, 2022 "Approval of the National Program for the Development of Public Education in 2022–2026" professional training of school children to organize the open dialogue month "Profession and Youth" on attracting educational institutions and within its framework to attract large enterprises, organizations and educational

institutions. It aimed to arrange job fairs, to meet with professionals who have achieved high results during their careers. Of course, the purpose of this, is to further increase the interest of students in the profession and to determine the interests and abilities of students.

### CONCLUSIONS AND RECOMMENDATIONS

Therefore, the role of international organizations in the provision and guarantee of the right to education by the state, its organizational and legal importance is manifested in the provision of the right to education. Moreover, mainly on the openness of education to everyone, the non-allowance of discrimination, the stratum in need of special social protection, the creation of additional facilities for the national minority. In particular, the distinctive features of Uzbekistan's new legislation on the right to education are based on, first of all, the reorganization of preschool education in accordance with international standards, the constitutional status of the teacher, the strengthening of cohesion between universities and the lower levels of the education system, the quality of education. It was aimed to give academic freedom, self-management, research and teaching freedom to higher education organizations in order to increase the potential of personnel.

In addition, it would be desirable to increase the variety of forms in general secondary and higher education and to introduce full equality and transparency. It was intended to create such a mechanism that the student of the institution should be sure that he could choose the subjects he is interested in and study in depth based on transparency.

In addition, fighting against the deprivation of any level or type of education for any person or group that is considered discrimination in the field of the right to education according to international norms, foreign nationals to exercise their rights in this field based on international principles. The establishment of a coordinating department within the consular offices of the assisting Republic of Uzbekistan in foreign countries will lead to the full guarantee of the rights of citizens in foreign countries to receive education.

As a practical implementation of internationally accepted norms, increasing the number of schools of members of the national minority group in the country, expanding the possibility of creating textbooks using their own language, serves to adapt the quality of education to international standards and develop this field. In particular, in the 2021/2022 academic year, the number of general education institutions that provide instruction in the Kazakh language was 144, which is 9 less than in the 2018/2019 academic year. Number of educational institutions with the Kazakh language of instruction by years: 2018/2019-153, 2019/2020-152, 2020/2021-149, 2021/2022-144.[7] From these figures, we can see that the number of Kazakh-language schools in our country is decreasing year by year. Therefore, it is appropriate to focus more attention on increasing the number of schools in the languages of the national minority group, bringing textbooks in the national language and working on them. This increases the importance of the state's contribution to the preservation of the language, culture, and traditions of national minority groups.

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