INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI MILLIY MARKAZI HUZURIDAGI ILMIY DARAJALAR BERUVCHI DSc.26/2025.27.12.Yu/S.01.01 RAQAMLI ILMIY KENGASH

INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI MILLIY MARKAZI

SHARAPOV SHUXRAT SHOKIROVICH

INSONNING TA’LIM OLISH HUQUQINI TA’MINLASH (XALQARO VA MILLIY TAJRIBA)

12.00.13 – Inson huquqlari

Yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi AVTOREFERATI

Toshkent – 2026

UO‘K: 342.7:37

Falsafa doktori (PhD) dissertatsiyasi avtoreferati mundarijasi

Contents of dissertation abstract of the Doctor of Philosophy (PhD)

Оглавление автореферата диссертации доктора философии (PhD)

Sharapov Shuxrat Shokirovich
Insonning ta’lim olish huquqini ta’minlash (xalqaro va milliy tajriba).....3

Sharapov Shuxrat Shokirovich
Ensuring the human right to education (international and national experience)..….....24

Шарапов Шухрат Шокирович
Обеспечение права человека на образование (международный и национальный опыт)……..44

E’lon qilingan ishlar ro‘yxati
List of published works
Список опубликованных работ.....49

INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI MILLIY MARKAZI HUZURIDAGI ILMIY DARAJALAR BERUVCHI DSc.26/2025.27.12.Yu/S.01.01 RAQAMLI ILMIY KENGASH

INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI MILLIY MARKAZI

SHARAPOV SHUXRAT SHOKIROVICH

INSONNING TA’LIM OLISH HUQUQINI TA’MINLASH (XALQARO VA MILLIY TAJRIBA)

12.00.13 – Inson huquqlari

Yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi AVTOREFERATI

Toshkent – 2026

Falsafa doktori (PhD) dissertatsiyasi mavzusi O'zbekiston Respublikasi Fanlar akademiyasi huzuridagi Oliy attestatsiya komissiyasida B2023.3.PhD/Yu1212 raqam bilan ro'yxatga olingan.

Dissertatsiya ishi Inson huquqlari bo'yicha O'zbekiston Respubilkasi Milliy markazida bajarilgan.

Dissertatsiya avtoreferati uch tilda (o'zbek, ingliz, rus (rezyume)) Ilmiy kengash veb-sahifasida (http://nhrc.uz/oz/menu/avtoreferat) va "ZiyoNet" Axborot-ta'lim portalida (www.ziyonet.uz) joylashtirilgan.

Ilmiy rahbar:	**Ochilov O'tkirbek Sayfullayevich** yuridik fanlar doktori, dotsent
Rasmiy opponentlar:	**Alimov Gaybulla Alimovich** yuridik fanlar doktori, dotsent
	Mirhamidova Mahinnora Nurullaevna yuridik fanlar bo'yicha falsafa doktori, dotsent
Yetakchi tashkilot:	**Berdaq nomidagi Qoraqalpoq davlat Universiteti**

Dissertatsiya himoyasi Inson huquqlari bo'yicha O'zbekiston Respublikasi Milliy markazi huzuridagi ilmiy darajalar beruvchi DSc.26/2025.27.12.Yu/S.01.01 raqamli ilmiy kengashning 2026-yil " 7 " iyul kuni soat 15:00 dagi majlisida bo'lib o'tadi (Manzil: 100029, Toshkent shahar, Islom Karimov ko'chasi, 15-uy. Tel.: (99871) 239 40 23; e-mail: info@nhrc.uz).

Dissertatsiya bilan Inson huquqlari bo'yicha O'zbekiston Respublikasi Milliy markazining Axborot-resurs markazida tanishish mumkin (13-raqam bilan ro'yxatga olingan). Manzil: 100029, Toshkent shahari, Islom Karimov ko'chasi, 15-uy. Tel.: (99871) 239 40 23.

Dissertatsiya avtoreferati 2026-yil "__" _____ kuni tarqatildi.

(2026-yil "__" _____dagi _____ raqamli reyestr bayonnomasi).

M.A. Tillabayev
Ilmiy darajalar beruvchi ilmiy kengash raisi, yuridik fanlar doktori, professor

I.T.Turgunov
Ilmiy darajalar beruvchi ilmiy kengash ilmiy kotibi v.b., yuridik fanlar doktori, dotsent

G. Yuldasheva
Ilmiy darajalar beruvchi ilmiy kengash qoshidagi ilmiy seminar raisi, yuridik fanlar doktori, professor

KIRISh (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda hozirgi globallashuv va bilimga asoslangan jamiyat sharoitida ta’lim olish huquqi inson huquqlari tizimining fundamental va ajralmas unsuri sifatida e’tirof etilmoqda hamda u BMTning Iqtisodiy, ijtimoiy va madaniy huquqlar to‘g‘risidagi xalqaro pakti hamda YUNESKO tomonidan ilgari surilgan “Education 2030” (“Ta’lim 2030”) global kun tartibida mustahkamlangan. Ushbu huquqning real ta’minlanish darajasi jamiyatda ijtimoiy adolat, iqtisodiy barqarorlik va inson kapitali rivojini belgilab beruvchi asosiy omillardan biri ekani ta’lim siyosatiga oid tahliliy hisobotlarda ham alohida ta’kidlanadi[1]. Raqamli jamiyatga o‘tish, masofaviy ta’lim shakllarining kengayishi hamda sun’iy intellekt texnologiyalarining ta’lim tizimiga jadal joriy etilishi insonning ta’lim olish huquqini amalga oshirish uchun yangi imkoniyatlar yaratayotgan bo‘lsa-da, ayni paytda ta’lim olish huquqidan teng foydalanish, ta’lim sifati va inklyuzivlikka oid yangi huquqiy va ijtimoiy muammolarni ham yuzaga keltirmoqda.

Jahon miqyosida insonning ta’lim olish huquqini ta’minlash masalasi xalqaro inson huquqlari standartlari va milliy huquq tizimlari o‘rtasidagi mutanosiblikni ta’minlashni talab etuvchi murakkab ilmiy-huquqiy muammo sifatida namoyon bo‘lmoqda. Xalqaro shartnomalarda belgilangan standartlarni milliy qonunchilik va huquqni qo‘llash amaliyotiga samarali integratsiya qilish jarayonida, jumladan BMTning Iqtisodiy, ijtimoiy va madaniy huquqlar bo‘yicha qo‘mitasi tomonidan belgilangan ta’limning mavjudligi, foydalanish imkoniyati, maqbulligi va moslashuvchanligi (4A) tamoyillarini amaliyotga tatbiq etishda, bir qator institutsional va huquqiy muammolar saqlanib qolmoqda. Insonning ta’lim olish huquqini ta’minlashning xalqaro va milliy tajribasini qiyosiy-huquqiy tahlil asosida chuqur, tizimli va kompleks o‘rganish ushbu sohadagi mavjud ilmiy bo‘shliqlarni to‘ldirish, nazariy yondashuvlarni rivojlantirish hamda amaliy huquqiy mexanizmlarni takomillashtirish nuqtayi nazaridan alohida ilmiy tadqiqot o‘tkazishni taqozo etadi.

Mamlakatimizda ta’lim olish huquqini to‘laqonli ta’minlash maqsadida tizimli islohotlar izchil va bosqichma-bosqich amalga oshirilmoqda. O‘zbekiston Respublikasi Prezidenti BMT Bosh Assambleyasining 80-sessiyasidagi nutqida mamlakatimiz ta’lim tizimidagi izchil islohotlar haqida so‘z yuritib, maktabgacha ta’lim qamrovi 27 foizdan 78 foizga, oliy ta’lim bilan qamrov esa 9 foizdan 42 foizga oshganini, eng muhimi esa o‘qituvchi kasbining obro‘si va nufuzini oshirish davlat siyosatining ustuvor yo‘nalishiga aylanganini ta’kidladi[2]. Shu bilan birga ta’kidlash joizki, insonning ta’lim olish huquqini to‘liq ta’minlash, ayniqsa

[1] Education at a Glance 2025 OECD Indicators // URL:https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/09/education-at-a-glance-2025_c58fc9ae/1c0d9c79-en.pdf?utm (murojaat qilingan sana: 10.12.2025).

[2] Мирзиёев, Ш.М. Бирлашган Миллатлар Ташкилоти Бош Ассамблеясининг 80-сессиясидаги нутқи // URL: https://president.uz/oz/lists/view/8525 (murojaat qilingan sana: 05.11.2025).

ijtimoiy jihatdan zaif guruhlar uchun teng va inklyuziv ta’lim muhitini yaratish hamda ta’lim tizimida adolat, shaffoflik va mas’uliyatni qaror toptirish sohasida hanuz tizimli muammolar mavjud. Bu holat davlat organlari va boshqa manfaatdor sub’ektlar o‘rtasida samarali hamkorlikni kuchaytirishni, shuningdek ta’lim olish huquqining amaliy ijrosi, monitoringi va huquqiy kafolatlarini takomillashtirishga qaratilgan ilmiy-amaliy tadqiqotlar o‘tkazishni taqozo etadi.

Mazkur dissertatsiya ishi O‘zbekiston Respublikasi Konstitutsiyasi (2023), “Ta’lim to‘g‘risida”gi (2020), “Maktabgacha ta’lim va tarbiya to‘g‘risida”gi (2019), “Nogironligi bo‘lgan shaxslarning huquqlari to‘g‘risida”gi (2020) qonunlar, O‘zbekiston Respublikasi Prezidentining “Inson huquqlari bo‘yicha O‘zbekiston Respublikasining Milliy strategiyasini tasdiqlash to‘g‘risida”gi (2020), “Mamlakat taraqqiyotining 2030-yilgacha mo‘ljallangan ustuvor yo‘nalishlari doirasida islohotlarni izchil davom ettirish va yangi bosqichga olib chiqishning qo‘shimcha chora-tadbirlari to‘g‘risida”gi (2026), “O‘zbekiston Respublikasi oliy ta’lim tizimini 2030-yilgacha rivojlantirish konsepsiyasini tasdiqlash to‘g‘risida”gi (2019), farmonlari, shuningdek boshqa tegishli normativ-huquqiy hujjatlarda belgilangan vazifalarning ijrosini ta’minlashda muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Ushbu dissertatsiya respublika fan va texnologiyalari rivojlanishining II. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma’naviy-ma’rifiy rivojlantirishda innovasion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishiga muvofiq bajarilgan.

Muammoning o‘rganilganlik darajasi. Ta’lim olish huquqining umumiy jihatlari mamlakatimiz olimlari A.X. Saidov, M.A. Tillabayev, A.R. Mo‘minov, G. Yuldasheva, H.B. Boboev, F.X. Bakaeva, A.B. Gafurov, B.I. Ismailov, M.X. Rustambaev, L.A. Saidova, A.A. Tulaganov, M.T. Turg‘unov, Sh.G‘. Asadov, X.M. Yunusov, N.A. Nugmanov, M.U. Tursunova, S. Jakbarov kabi olimlar tomonidan tadqiq etilgan.

Akademik A.X. Saidovning “Inson huquqlari bo‘yicha xalqaro huquq” asarida ta’lim olish huquqi insonning asosiy va ajralmas huquqlaridan biri sifatida e’tirof etiladi. Muallif mazkur huquqning xalqaro va milliy manbalarini kompleks tahlil qilib, uni amalga oshirishda davlat majburiyatlari hamda shaxs huquq va erkinliklari o‘rtasida muvozanatni ta’minlash masalasiga alohida e’tibor qaratadi. A.R. Mo‘minov va M.A. Tillabayev o‘z ilmiy va o‘quv-uslubiy ishlarida ta’lim olish huquqini keng yoritgan. Ularning “Inson huquqlari” darsligida mazkur huquq insonning asosiy huquqlaridan biri sifatida e’tirof etilib, uning xalqaro va milliy huquqiy asoslari hamda amaliyotdagi qo‘llanilishi tahlil qilingan. “Bola huquqlari” darsligida esa bolalarning ta’lim olish huquqi va uning huquqiy asoslari alohida ko‘rib chiqilgan. Shuningdek, dissertatsiyaviy tadqiqotlar doirasida M. Tursunova O‘zbekistonning ta’lim sohasidagi xalqaro-huquqiy hamkorligini takomillashtirish masalalarini tahlil qilgan bo‘lsa, Sh. Asadov fuqarolarning bilim olish huquqining

konstitutsiyaviy asoslari, uni amalga oshirish mexanizmlari va kafolatlarining ta’lim siyosati bilan uyg‘unligini ilmiy asoslab bergan.

Xorijiy mamlakatlar olimlarining ilmiy tadqiqotlari hamda yuridik sohaga oid adabiyotlarda ta’lim olish huquqi, uni amalga oshirish va ta’minlashning ijtimoiy, siyosiy-huquqiy hamda metodologik jihatlariga alohida e’tibor qaratilgan. K. Tomashevskiy, K. Beyter, P. Alston, A. Chapman, V. Munoz, P. Villalobos, A. Sen, F. Tibbitts, K. Bajaj kabi xorijlik olimlar, shuningdek Mustaqil davlatlar hamdo‘stligi mamlakatlaridan B. Strashun, E. Kozlova, A. Kozirin, E. Martinenko, M. Baglay, S. Bugashev, K. Chepenko, K. Cherkasov, O. Malseva va boshqalarning ilmiy izlanishlari bu yo‘nalishning dolzarbligini tasdiqlaydi[1]. Xorijiy tadqiqotchi K. Tomashevskiy ta’lim olish huquqini shaxsning boshqa barcha huquq va erkinliklaridan samarali foydalanishini ta’minlovchi “kalit huquqi” sifatida talqin qiladi. Uning fikricha, mazkur huquqning to‘liq ta’minlanishi insonning boshqa huquqlarini amalga oshirish imkoniyatlarini kengaytiradi, aks holda esa ulardan foydalanishni cheklaydi. Bu yondashuv ta’lim olish huquqining inson huquqlari tizimidagi markaziy va integrativ ahamiyatini namoyon etadi.

Bugungi kunga qadar ta’lim olish huquqi va uni ta’minlash masalalari yurtimizda va xalqaro miqyosda tadqiq etilgan bo‘lsa-da, mavjud izlanishlarda insonning ta’lim olish huquqi tushunchasining huquqiy tavsifi, uni ta’minlashning o‘ziga xos xususiyatlari va tarkibiy qismlari, xalqaro va mintaqaviy mexanizmlar, xorijiy tajriba hamda milliy qonunchilikni tizimlashtirish masalalari yetarlicha yoritilmagan. Ayniqsa, ijtimoiy himoyaga muhtoj aholi qatlamlariga mansub shaxslar ta’lim olish huquqini ta’minlash mexanizmlarining shakllanishi va rivojlanishi chuqur tahlil qilinmagan. Shu bois, mazkur ilmiy ishda aynan ushbu omillarni kompleks ravishda o‘rganish, baholash va takomillashtirishga oid masalalarni tahlil qilish dolzarb ilmiy-nazariy ahamiyatga ega hisoblanadi.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Dissertatsiya Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazining 2023-yilda tasdiqlangan ilmiy-tadqiqot ishlari rejasi doirasida bajarilgan.

Tadqiqotning maqsadi ta’lim olish huquqini ta’minlashning tashkiliy-huquqiy muammolari yechimiga qaratilgan ilmiy asoslangan taklif va tavsiyalar ishlab chiqish.

Tadqiqotning vazifalari sifatida quyidagilar belgilangan:

insonning ta’lim olish huquqining konseptual asoslari, o‘ziga xos xususiyatlari va tarkibiy qismlarini tizimli o‘rganish;

insonning ta’lim olish huquqini ta’minlashning xalqaro-huquqiy asoslari hamda mazkur huquqni ro‘yobga chiqaruvchi xalqaro mexanizmlarni kompleks o‘rganish va tahlil qilish;

insonning ta’lim olish huquqini ta’minlash bo‘yicha xorijiy davlatlarning ilg‘or amaliyotini tahlil qilish;

[1] Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan.

ta’lim olish huquqini ta’minlash sohasidagi milliy qonunchilikni takomillashtirish va tizimlashtirish hamda ushbu huquqni amalga oshirishning milliy mexanizmlarini rivojlantirish bo‘yicha takliflar ishlab chiqish;

aholining ijtimoiy himoyaga muhtoj qatlamlarining ta’lim olish huquqini ta’minlash mexanizmlarining shakllanishi va rivojlanishi xususiyatlarini tadqiq etish.

Tadqiqotning ob’ekti ta’lim olish huquqini ta’minlash bo‘yicha tashkiliy-huquqiy asoslar, xalqaro va milliy-huquqiy mexanizmlar bilan bog‘liq ijtimoiy-huquqiy munosabatlar hisoblanadi.

Tadqiqotning predmetini ta’lim olish huquqini ta’minlash faoliyati bilan bog‘liq ijtimoiy-huquqiy munosabatlarni tartibga soluvchi universal va mintaqaviy xalqaro-huquqiy hujjatlar, milliy va xorijiy mamlakatlar qonunchiligi, ilmiy-konseptual yondashuvlar hamda ularning amaliyotda joriy etilishi tashkil etadi.

Tadqiqotning usullari. Tadqiqot davomida ilmiy bilishning analiz, sintez, induksiya, deduksiya, tarixiy va tizimli yondashuv, qiyosiy-huquqiy, statistik tahlil, sotsiologik so‘rov, kuzatish, mantiqiylik usullaridan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

insonning ta’lim olish huquqini ta’minlashning samarali kafolati sifatida pedagoglarni kasbiy vazifalariga aloqasi bo‘lmagan ishlarga jalb etishni taqiqlashga qaratilgan huquqiy mexanizmlarni qonunchilikka kiritish asoslandi;

ta’lim olish huquqining uzviy tarkibiy qismi sifatida yoshlarning ilmiy, innovatsion va startap faoliyatini qo‘llab-quvvatlashning normativ-huquqiy mexanizmlarini takomillashtirish asoslab berildi;

maktabgacha va maktab ta’limi tizimida barcha ta’lim oluvchilar uchun qulay sharoit yaratish maqsadida amaldagi normativ, sanitariya va gigiena qoidalari reestrini qayta ko‘rib chiqish hamda zaruriy infratuzilmaviy imkoniyatlarni ta’minlash zarurati ilmiy asoslantirildi;

ta’lim olish huquqini ta’minlashning strategik yo‘nalishi sifatida ilmiy va innovatsion faoliyat uchun zamonaviy infratuzilmani rivojlantirishning normativ-huquqiy asoslarini mustahkamlash zarurati asoslantirildi;

ta’lim muassasalarida pedagog xodimlardan tashqari xodimlarning yillik asosiy va qo‘shimcha ta’tillarini ishlab chiqishda kategoriyaga bo‘lgan holda ta’tillarni belgilash zarurati asoslantirildi.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

“insonning ta’lim olish huquqi”, “ta’lim olish huquqini ta’minlash”, “ayollarning ta’lim olish huquqi”, “mahkumlarning ta’lim olish huquqi”, “nogironligi bo‘lgan shaxslarning ta’lim olish huquqi” kabi tushunchalarga mualliflik ta’riflari ishlab chiqilgan;

milliy qonunchilikning tizimliligi va uyg‘unligi ta’lim olish huquqining asosiy kafolati ekanligi ta’kidlanib, ta’lim tizimini xalqaro standartlarga moslashtirish hamda konstitutsiyaviy kafolatlarni mustahkamlash jarayonida mavjud normativ-huquqiy ziddiyatlarni bartaraf etish va kompleks tartibga solish

zarurati, xususan O‘zbekiston Respublikasi Ta’lim kodeksini qabul qilish bo‘yicha takliflar ilmiy-nazariy jihatdan asoslantirilgan;

O‘zbekistonda insonning ta’lim olish huquqi konstitutsiyaviy normalarga asoslangan ko‘p darajali boshqaruv mexanizmi orqali ta’minlanayotgan bo‘lsa-da, bu huquqning kafolatli himoyasi mexanizmida bo‘shliq mavjud, maxsus vakolatli universitet ombudsmani institutini joriy etish va amaldagi huquqiy mexanizmga integratsiya qilish orqali mavjud bo‘shliqni to‘ldirish taklif etilgan;

ta’lim sohasida izchil islohotlarni, shuningdek turli darajadagi normativ-huquqiy hujjatlar o‘rtasida yuzaga kelayotgan ixtiloflarning ta’lim olish huquqini to‘liq ta’minlashga salbiy ta’sirini inobatga olib, qonunosti hujjatlarni chuqur tahlil qilish, ularni yagona mezonlar asosida tizimlashtirish va ziddiyatlarni bartaraf etish orqali huquqiy izchillik va kafolatlarni mustahkamlashga qaratilgan kompleks taklif ishlab chiqilgan.

Tadqiqot natijalarining ishonchliligi. Tadqiqotning axborot bazasi rasmiy, ilmiy va o‘quv-metodik manbalar, vakolatli tashkilotlar tomonidan e’tirof etilgan statistik ma’lumotlar, shuningdek ilgari chop etilgan monografik tadqiqotlar hamda sotsiologik so‘rovlar asosida shakllantirilgan bo‘lib, uning ishonchliligi va dolzarbligi ta’minlangan. Ishda ilgari surilgan xulosalar, takliflar va tavsiyalar amaliyotda sinovdan o‘tkazilgan bo‘lib, ularning natijalari milliy va xalqaro ilmiy nashrlarda e’lon qilingan, shuningdek respublika va xalqaro miqyosdagi ilmiy-amaliy anjumanlarda muhokama qilingan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalari, avvalo, “Inson huquqlari”, “Inson huquqlari bo‘yicha xalqaro huquq”, “Xalqaro huquq”, “Konstitutsiyaviy huquq”, kabi o‘quv kurslarining ilmiy-nazariy asoslarini boyitishda foydalanilishi mumkinligi bilan ahamiyatlidir.

Tadqiqot natijalarining amaliy ahamiyati unda ishlab chiqilgan ilmiy qoidalar, xulosalar va tavsiyalarning davlat organlari, inson huquqlari bo‘yicha milliy institutlar hamda ta’lim muassasalari faoliyatida qo‘llanish imkoniyati bilan belgilanadi. Xususan, bu natijalar ta’lim olish huquqi bo‘yicha tayyorgarlik va o‘qitishning samaradorligini oshirish, shuningdek O‘zbekistonda normativ hujjatlarni ishlab chiqish va qo‘llash amaliyotini takomillashtirishda qo‘llanilishi mumkin.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot ishi bo‘yicha olingan ilmiy natijalar quyidagilarda o‘z ifodasini topgan:

pedagogning mustaqilligiga aralashish, uning faoliyatini asossiz ravishda tekshirish, ta’lim oluvchilarning bilimini adolatli va xolis baholashiga bosim o‘tkazish hamda xizmat vazifalarini bajarishiga sun’iy to‘siqlar yaratishning taqiqlanishi hamda pedagoglarni o‘z kasbiy faoliyatiga aloqasi bo‘lmagan ishlarga, jumladan, obodonlashtirish yoki qishloq xo‘jaligi kabi majburiy jamoat ishlariga jalb etish amaliyotining noqonuniyligini asoslashga qaratilgan takliflari 2024-yil 1-fevral kuni qabul qilingan “Pedagogning maqomi to‘g‘risida”gi O‘RQ-901-sonli O‘zbekiston Respublikasining Qonunining 5-moddasi 2-qismining 2-xat boshisiga “pedagogning kasbiy faoliyatiga aralashish, uning faoliyatini asossiz ravishda

tekshirish, pedagog tomonidan ta’lim oluvchilarning bilimlarini to‘g‘ri va xolis baholashga ta’sir ko‘rsatish, shuningdek unga o‘z xizmat majburiyatlarini bajarishga to‘sqinlik qilish” va 3-xat boshisiga “pedagogni kasbiy faoliyati bilan bog‘liq bo‘lmagan ishlarga, shu jumladan, hududlarni obodonlashtirishga va qishloq xo‘jaligi ishlariga jalb qilish” mazmunida o‘z aksini topgan (*O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining 2024- yil 19-martdagi 2/6-09-46-sonli dalolatnomasi*). Mazkur taklif pedagoglarning kasbiy faoliyatiga asossiz aralashuvlarning oldini olish, ularning mustaqiligini ta’minlash, ta’lim oluvchilarning bilimini adolatli va xolis baholash jarayoniga bosim o‘tkazilishini cheklash hamda pedagoglarni kasbiy vazifasiga aloqasi bo‘lmagan ishlarga jalb etishni taqiqlash orqali nafaqat o‘qituvchining mehnat huquqlarini, balki ta’lim oluvchilarning sifatli ta’lim olish huquqini ham kafolatlashga xizmat qiladi;

“Ta’lim olish uchun qulay shart-sharoit yaratish” taklifi O‘zbekiston Respublikasi Prezidentining 2023-yil 26-maydagi PF-79-son Farmoni 6-ilovasining Maktabgacha va maktab ta’limi sohasida islohotlarni chuqurlashtirish va tizim faoliyatini transformatsiya qilish bo‘yicha yo‘l xaritasining 5-bob, 22-bandiga “Umumiy o‘rta ta’lim tizimida ‘Ta’lim uchun qulay muhit’ dasturini amalga oshirish” tahririda kiritilgan (*O‘zbekiston Respublikasi Maktabgacha va maktab ta’limi vazirligining 2025 yil 4 noyabrdagi 05-20-7499-sonli dalolatnomasi*). Ushbu taklif Maktabgacha va maktab ta’limi vazirligi tizimida amalga oshirilayotgan islohotlar doirasida “ta’lim uchun qulay muhit” konsepsiyasini joriy etish, maktabgacha ta’lim tashkilotlari hamda umumiy o‘rta ta’lim muassasalarida inklyuziv ta’limni yo‘lga qo‘yish orqali barcha ta’lim oluvchilar uchun qulay sharoit yaratish, amaldagi normativ, sanitariya va gigiena qoidalari reestrini qayta ko‘rib chiqish hamda zaruriy infratuzilmaviy imkoniyatlarni ta’minlash jarayonlari samaradorligini oshirishga xizmat qiladi;

yoshlarning innovatsion faoliyatini qo‘llab-quvvatlash, ular tomonidan amalga oshiriladigan startap loyihalariga ko‘maklashuvchi tizimni muvofiqlashtirishga doir takliflar Vazirlar Mahkamasining 2024-yil 8-avgustdagi 489-son qarorining 2-ilovasi bilan tasdiqlangan O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Innovatsion rivojlanish agentligi to‘g‘risidagi Nizomning 7-bandi yettinchi xat boshisida o‘z aksini topgan (*O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Innovatsion rivojlanish agentligining 2025-yil 6-noyabrdagi 01-05/4494-sonli dalolatnomasi*). Mazkur taklif, yoshlarning ilmiy va innovatsion faoliyatini qo‘llab-quvvatlash, ularning ijodiy hamda intellektual rivojlanishi uchun zarur sharoitlarni yaratish orqali ta’lim olish huquqining to‘laqonli va samarali ta’minlanishiga xizmat qiladi;

hududlarning intellektual va texnologik salohiyatini oshirish, ilmiy va innovatsion faoliyat uchun zamonaviy infratuzilmani shakllantirishga doir takliflar Vazirlar Mahkamasining 2024-yil 8-avgustdagi 489-son qarorining 2-ilovasi bilan tasdiqlangan O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Innovatsion rivojlanish agentligi to‘g‘risidagi Nizomning 7-bandi

sakkizinchi xat boshisida o‘z aksini topgan (*O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Innovatsion rivojlanish agentligining 2025-yil 6-noyabrdagi 01-05/4494-sonli dalolatnomasi*). Mazkur taklif hududlarning intellektual va texnologik salohiyatini oshirish, ilmiy-innovatsion faoliyat uchun zamonaviy infratuzilmani rivojlantirish va yoshlarning innovatsion g‘oyalarini amaliyotga tatbiq etish imkoniyatlarini kengaytirish orqali insonning ta’lim olish huquqining mazmunini yangi sifat bosqichiga ko‘tarishga xizmat qiladi;

“Ta’lim muassasalarida yillik mehnat ta’tillarini berish”da pedagog xodimlardan tashqari xodimlarning yillik asosiy va qo‘shimcha ta’tillarini ishlab chiqishda ham xodimlarni kategoriyaga bo‘lgan holda ta’tillarni berish taklifi O‘zbekiston Respublikasi Vazirlar Mahkamasining 2023-yil 26-iyundagi “Pedagog xodimlar uchun yillik uzaytirilgan mehnat ta’tili davomiyligi me’yorlarini belgilash chora-tadbirlari to‘g‘risida”gi 263-sonli qarori, O‘zbekiston Respublikasi Maktabgacha va maktab ta’limi vazirligi hamda O‘zbekiston ta’lim va fan xodimlari kasaba uyushmasi Respublika kengashining 2023-yil 27-iyundagi 23-qq va 10-7 “s”-sonli qarori, O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi bilan O‘zbekiston ta’lim va fan xodimlari kasaba uyushmasi Respublika kengashining 2023-yil 17-iyuldagi 24-qq va 10-11 “s”-sonli qarori tarmoq kelishuviga kiritildi (*O‘zbekiston ta’lim va fan xodimlari kasaba uyushmasi respublika kengashining 2024-yil 15-martdagi №911D-5/86-sonli dalolatnoma*). Mazkur takliflarning joriy etilishi ta’lim olish huquqining institutsional kafolatlarini mustahkamlab, pedagoglar va ish beruvchilar uchun aniq me’yorlar tizimini yaratdi hamda ta’lim boshqaruvida huquqiy aniqlik va samaradorlikni oshiradi.

Tadqiqot natijalarining aprobatsiyasi. Tadqiqotning asosiy natijalari, ilmiy xulosalar xalqaro hamda respublika darajasidagi ilmiy-amaliy anjumanlar, jumladan 5 xalqaro va 2 ta respublika miqyosidagi ilmiy-amaliy anjumanlarda muhokamadan o‘tkazilgan.

Tadqiqot natijalarining e’lon qilinishi. Dissertatsiya mavzusi bo‘yicha jami 16 ta ilmiy ish nashr etilgan, jumladan OAK tomonidan ro‘yxatga olingan jurnallarda 5 ta, xalqaro jurnallarda 4 ta, ilmiy anjuman to‘plarida 7 ta maqola va tezis nashr etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya kirish, 3 (uch) bob, xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat. Dissertatsiyaning hajmi 150 (bir yuz ellik) betni tashkil qiladi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** qismida tadqiqot mavzusining dolzarbligi va zarurati, tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga mosligi, tadqiq etilayotgan muammoning o‘rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta’lim

muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi, tadqiqotning maqsad va vazifalari, obyekti va predmeti, usullari, tadqiqotning ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, tadqiqot natijalarining ilmiy va amaliy ahamiyati, ularning joriy qilinganligi, tadqiqot natijalarining aprobatsiyasi, e’lon qilinganligi, dissertatsiyaning hajmi va tuzilishi yoritib berilgan.

Dissertatsiyaning birinchi bobi “**Insonning ta’lim olish huquqini ta’minlashning nazariy-huquqiy asoslari”** deb nomlanib, unda mavzuning ilmiy-nazariy jihatlari tahlil qilingan, “ta’lim olish huquqi” va “ta’lim olish huquqini ta’minlash” tushunchalari, ularning huquqiy tavsifi, ta’lim olish huquqining vujudga kelishi va rivojlanishi tendensiyalari kompleks tadqiq qilingan.

Mazkur bobning *“Insonning ta’lim olish huquqining konseptual asoslari va inson huquqlari sohasidagi o‘rni”,* deb nomlangan birinchi paragrafida ta’lim olish huquqi tushunchasi borasida turli qarashlar, yondashuvlar tahlil qilinib, uning huquqiy tavsifi ilmiy muammo sifatida batafsil o‘rganilgan.

A. Saidov, M. Tillabayev, A. Mo‘minov, G. Yuldasheva, A. Yakubov, K. Beiter, K. Halvorsen, S. Sherry, T. Soydan, Y. Karaman, A. Kazannik, B. Strashun, E. Kozlova, M. Baglaylarning “ta’lim olish huquqi” va “ta’lim olish huquqini ta’minlash” tushunchasining huquqiy tabiati haqidagi qarashlari tahlil qilinib, uning o‘ziga xos xususiyatlari va muhim elementlari ochib berilgan. Amalga oshirilgan tahlillar asosida mazkur tushunchaga mualliflik ta’rifi ishlab chiqilgan.

K. Beyter ta’lim olish huquqiga ta’rif berishga harakat qilib, uni bir vaqtning o‘zida iqtisodiy, ijtimoiy va madaniy huquqlarga tegishli ekanligini ta’kidlaydi. Shuningdek, boshqa huquqlar qatori, ta’lim olish huquqi ham davlatlardan barcha darajada: boshlang‘ich, o‘rta va oliy ta’lim olish imkoniyatini ta’minlash uchun sa’y-harakatlarni talab qiladi, degan mulohazani keltiradi[1]. Ta’lim olish huquqiga oid turli ilmiy yondashuvlar ushbu huquqning ko‘p qatlamli va murakkab tabiatini ochib beradi. Xususan, inson huquqlari nuqtayi nazaridan qaralganda, ta’lim huquqi faqat bilim olish emas, balki inson sha’ni, tengligi va erkinligini ta’minlovchi fundamental vosita sifatida qaraladi. Akademik A.X. Saidov ta’kidlaganidek, ta’lim olish huquqi O‘zbekiston Respublikasining har bir fuqarosiga ta’lim va tarbiyaning barcha shakllaridan teng va erkin foydalanish imkoniyatini kafolatlaydi. Ushbu huquqning amalda ro‘yobga chiqishi esa mavjud mustahkam moddiy-texnik baza bilan ta’minlanadi. Bu esa xalqaro standartlarga mos keluvchi milliy modelni shakllantirish yo‘lida muhim asos bo‘lib xizmat qiladi.

Dissertant ta’lim olish huquqi va ta’lim olish huquqini ta’minlash tushunchasining mazmunini ochib berishga qaratilgan turli qarashlarni tahlil qilgan holda, ushbu institut o‘z ichiga quyidagi uchta jihatni qamrab olishi lozim, degan fikrni ilgari suradi:

[1] Beiter K.D. The protection of the right to education by international law: including a systematic analysis of Article 13 of the International Covenant on Economic, Social, and Cultural Rights / by Klaus Dieter Beiter. P.47.

birinchidan, ta’lim olish huquqining huquqiy ta’rifi xalqaro hamda milliy darajada hanuzgacha aniqlik kiritilmagan murakkab tushuncha bo‘lib, mavjud huquqiy hujjatlarda uning to‘liq va yagona ta’rifi mavjud emas;

ikkinchidan, bu holat milliy qonunchilikda terminologik va mazmuniy noaniqliklarga, ilmiy adabiyotlarda esa turlicha talqin va yondashuvlarning shakllanishiga sabab bo‘lmoqda;

uchinchidan esa, ta’lim olish huquqini samarali tartibga solish va amalga oshirish mexanizmlarini belgilash uchun ushbu tushunchaning aniq, izchil va huquqiy jihatdan asoslangan ta’rifini ishlab chiqish zarur.

Dissertant ta’lim olish huquqi borasida ilmiy qarashlar, xalqaro tashkilotlar va nohukumat tuzilmalarining yondashuvlarni tahlil qilgan holda, uning quyidagicha ta’rifini bergan: Ta’lim olish huquqi - bu har bir shaxsning tug‘ilgan paytdan boshlab umrining barcha davrlarida, millati, jinsi, tili, dini, irqiy yoki etnik mansubligi, ijtimoiy kelib chiqishi, salomatlik holati va iqtisodiy-madaniy sharoitidan qat’i nazar, sifatli, teng, uzluksiz, mavjud, ochiq, maqbul va moslashuvchan ta’lim xizmatlaridan erkin va kamsitishsiz foydalanish imkoniyatiga egaligini bildiruvchi, xalqaro va milliy huquq normalari bilan e’tirof etilgan fundamental konstitutsiyaviy ijtimoiy huquqdir.

Dissertant ta’limning turli bosqichlarini tahlil qilgan holda har bir bosqichda ta’lim olish huquqining o‘ziga xos xususiyatlarini aniqlab, ularning mazmunidan kelib chiqqan mualliflik ta’riflarini taklif etadi. Shu bilan birga milliy ta’lim jarayonining o‘ziga xos jihatlarini hisobga olib, tarbiya olish huquqi tushunchasini ham konseptual asosda ishlab chiqqan.

“*Insonning ta’lim olish huquqini ta’minlashning o‘ziga xos xususiyatlari va tarkibiy qismlari*” deb nomlangan ikkinchi paragrafda dissertant ta’lim olish huquqining amalda ro‘yobga chiqarilish jarayonini tahlil qiladi. U bu jarayonda mavjud bo‘lgan nazariy qarashlar, ilmiy izlanishlar hamda xalqaro tashkilotlar tomonidan ishlab chiqilgan konseptual yondashuvlar va amaliy tajribalarni kompleks ravishda o‘rganadi.

Dissertantning fikricha, ta’lim olish huquqini ta’minlashga oid ilmiy va nazariy yondashuvlar xilma-xil bo‘lib, ularni ikki asosiy guruhga ajratish mumkin: birinchisi - ta’limni ijtimoiy qadriyat sifatida tushunish, ikkinchisi esa uni shaxsning davlat oldidagi subyektiv huquqi sifatida talqin qilishdir. Subyektiv yondashuvga ko‘ra, ta’lim olish huquqi davlat zimmasiga aniq yuridik majburiyatlar yuklovchi asosiy ijtimoiy huquq bo‘lib, bu davlat siyosatida faollik, moliyaviy resurslar bilan ta’minlash va zarur institutsional choralarni qo‘llashni taqozo etadi, degan qarashni ilgari suradi.

Dissertant mazkur masalada xalqaro ekspert Katarina Tomashevskiy tomonidan ishlab chiqilgan “4A modeli” (mavjudlik, ochiqlik, maqbullik va moslashuvchanlik)ni ta’lim olish huquqining amalda ta’minlanishini baholovchi asosiy mezon sifatida e’tirof etadi.

Dissertantning fikricha, ta’lim olish huquqini ta’minlash zamonaviy huquqiy, pedagogik va ijtimoiy nazariyalar kesishmasida shakllanayotgan

kompleks yondashuv bo‘lib, u universal tamoyillar asosida har tomonlama yoritilishi zarur. Mazkur yondashuv davlatning “hurmat qilish, himoya qilish va ta’minlash” majburiyatlarini ta’lim siyosatida tizimli, o‘lchanadigan va resursga asoslangan tarzda amalga oshirishni talab etadi. Shu nuqtayi nazardan, ta’lim huquqining ta’minlanishi faqat normativ-huquqiy va sud mexanizmlari bilan cheklanib qolmasdan, balki barqaror moliyalashtirish, sifatli infratuzilma, malakali pedagog kadrlar, samarali monitoring mexanizmlari hamda tenglik va inklyuzivlikka asoslangan siyosatlar orqali kompleks tarzda qo‘llab-quvvatlanishi lozim.

Mavjud yondashuvlar normativ-huquqiy yondashuv, 4A modeli, sifatli ta’lim konsepsiyasi, inklyuzivlik, umrbod ta’lim va ijtimoiy adolat g‘oyalari o‘zaro uyg‘unlikda ta’lim olish huquqining turli qatlamlarini ochib beradi: biri uning huquqiy asoslarini belgilasa, boshqasi real foydalanish imkoniyatlari va ta’lim sifati masalalarini yoritadi, yana biri esa tenglik, inklyuzivlik va uzluksizlikni ta’minlashga xizmat qiladi. Ushbu yondashuvlarning yagona, uzviy tizimda integratsiyalashuvi orqali ta’lim olish huquqining faqat e’tirof etilishi emas, balki uning amaliyotda real va samarali amalga oshirilishi ta’minlanadi.

Dissertant O‘zbekiston sharoitida ushbu konsepsiyalar asosida moslashuvchan, milliy qadriyatlar bilan uyg‘unlashgan gibrid modelni ishlab chiqish zarurligini ilgari suradi va bu model ta’lim siyosatini inson huquqlari, barqarorlik va ijtimoiy adolat tamoyillari asosida rivojlantirishga xizmat qiladi, degan xulosaga keladi.

Dissertatsiyaning ikkinchi bobi **“Insonning ta’lim olish huquqining ta’minlanishi bo‘yicha xalqaro tajriba va uning huquqiy jihatlari”** deb nomlanib, unda ta’lim olish huquqini ta’minlashning xalqaro mexanizmlari tizimlashtirilgan holda o‘rganilgan, shuningdek ta’lim olish huquqini ta’minlash bo‘yicha ushbu masalada yetakchi bo‘lgan ayrim xorijiy davlatlar amaliyoti tahlil qilingan.

Mazkur bobning *“Insonning ta’lim olish huquqini ta’minlashning xalqaro-huquqiy asoslari*” deb nomlangan paragrafida dissertant ta’lim olish huquqining xalqaro-huquqiy asoslarini tahlil qilib, uning rivojlanish bosqichlarini aniq hujjatlar va institutlar misolida ochib bergan. Xususan, 1948-yilgi Inson huquqlari umumjahon deklaratsiyasidan boshlab, 1966-yilgi Iqtisodiy, ijtimoiy va madaniy huquqlar to‘g‘risidagi pakt, Xotin-qizlarni kamsitishining barcha shakllariga barham berish to‘g‘risida konvensiya, Bola huquqlari to‘g‘risidagi konvensiya, Nogironlar huquqlari to‘g‘risidagi konvensiya kabi maxsus konvensiyalar hamda YUNESKOning 1960-yilgi Ta’lim sohasida kamsitishga qarshi kurashish to‘g‘risidagi konvensiyasi kabi hujjatlar ta’lim huquqining huquqiy asoslarini belgilab bergani ta’kidlanadi.

Tadqiqotda shuningdek, BMTning maxsus ma’ruzachilari instituti, YUNESKO va YUNISEF tashabbuslari, Barcha uchun ta’lim, Dakar, Inchxon deklaratsiyalari hamda 4-Barqaror rivojlanish maqsadi kabi “yumshoq huquq” vositalari xalqaro maydonda inklyuziv, sifatli va umrbod ta’lim standartlarini

shakllantirishda hal qiluvchi rol o‘ynagani qayd etiladi. Dissertantning fikricha, xalqaro hujjatlar xilma-xilligi ijobiy jihatga ega bo‘lsa-da, ularning ijro mexanizmlarining sustligi, ratifikatsiya darajasining pastligi va milliy siyosatlarda uyg‘unlik yetishmasligi ta’lim huquqining to‘liq amalga oshirilishiga to‘sqinlik qilmoqda.

Shu asosda dissertant ta’lim olish huquqining xalqaro-huquqiy asoslari nafaqat normativ darajada, balki monitoring, sharhlash va javobgarlik tizimi bilan birga ko‘rilishi zarurligini ta’kidlaydi. Uning xulosasiga ko‘ra, samarali ta’lim huquqini ta’minlash uchun davlatlar xalqaro standartlarni milliy qonunchilik va siyosat bilan uyg‘unlashtirib, real, barqaror va natijador mexanizmlarni joriy etishi lozim. Shu bilan birga ta’lim huquqi faqat deklarativ norma emas, balki inson sha’ni, tenglik va adolat tamoyillariga asoslangan, dinamik va kontekstual huquq sifatida talqin etilishi zarur.

Dissertant xalqaro va mintaqaviy hujjatlar o‘rtasidagi normativ tafovutlar, ularning turli darajadagi yuridik kuchi va amaliy tatbiq muammolarini tahlil qilib, huquqiy uyg‘unlashtirish ehtiyojini asoslaydi. U Iqtisodiy, ijtimoiy va madaniy huquqlar to‘g‘risidagi xalqaro pakt kabi umumiy shartnomalar ta’lim huquqining asosiy prinsiplarini belgilasa, maxsus konvensiyalar (CEDAW, CRC, CRPD) zaif guruhlar kontekstida bu huquqni yanada chuqurlashtirishini ko‘rsatadi. YUNESKO deklaratsiyalari, 4-Barqaror rivojlanish maqsadi va Inchxon hujjatlari esa ushbu huquqning global strategik ahamiyatini ochib beradi.

*“Insonning ta’lim olish huquqini ta’minlashning xalqaro mexanizmi”*ga bag‘ishlangan ikkinchi paragrafda dissertant ta’lim olish huquqini ta’minlash bo‘yicha xalqaro mexanizmlarning tizimli va murakkab xarakterini tahlil qiladi. U xalqaro va mintaqaviy darajadagi shartnomaviy va noshartnomaviy mexanizmlar - xususan, BMTning Iqtisodiy, ijtimoiy va madaniy huquqlar bo‘yicha qo‘mitasi, Bola huquqlari bo‘yicha qo‘mitasi, Xotin-qizlarni kamsitishining barcha shakllariga barham berish bo‘yicha qo‘mitasi, Nogironlar huquqlari bo‘yicha qo‘mitasi kabi qo‘mitalari, YUNESKO, YUNISEF, XMT kabi ixtisoslashgan tashkilotlar, maxsus ma’ruzachilar instituti hamda Inson huquqlari bo‘yicha Kengash faoliyatini baholaydi.

Dissertant bu mexanizmlar faqat deklarativ yoki nazariy asos emas, balki real hayotda davlatlar zimmasiga yuklangan majburiyatlarning bajarilishini baholovchi va rag‘batlantiruvchi vosita ekanligini ilmiy nuqtayi nazardan isbotlaydi. U xalqaro hujjatlar (deklaratsiyalar, konvensiyalar, umumiy sharhlar) va monitoring institutlari (davlat hisobotlari, yakuniy tavsiyalar, tematik sharhlar) orqali ta’lim huquqining milliy siyosatga tatbiq etilishida xalqaro mexanizmlarning qanday rol o‘ynashini misollar bilan ochib beradi. Xususan, O‘zbekiston tajribasi asosida yuqorida keltirilgan qo‘mitalarining tavsiyalari mahalliy darajadagi islohotlarga ta’sir qilganiga e’tibor qaratiladi.

Dissertant shartnomaviy qo‘mitalarning faoliyati faqat hisobotlarni qabul qilish bilan cheklanmasdan, Umumiy sharhlar, yakuniy mulohazalar va individual shikoyatlarni ko‘rib chiqish orqali ta’lim huquqi bo‘yicha universal yondashuvlar

shakllanishi va milliy amaliyotga yo‘naltirilishini ta’minlashini ta’kidlaydi. O‘zbekiston Respublikasining bu qo‘mitalar bilan olib borgan hamkorlik tajribasi - xususan, berilgan tavsiyalarning qishloq ta’limi, nogironligi bo’lgan shaxslar, ayollar va bolalarning ta’limga kirish imkoniyatlarini kengaytirishga qaratilgani - milliy siyosatga xalqaro standartlarning integratsiyasi borasidagi amaliy yondashuvni aks ettiradi.

Dissertant ushbu keng qamrovli tahlil orqali noshartnomaviy (ustav asosidagi) mexanizmlarning ta’lim olish huquqini xalqaro miqyosda ilgari surish, himoya qilish va real hayotda amalga oshirishdagi beqiyos rolini chuqur asoslaydi. BMT Bosh Assambleyasi, EKOSOS, Inson huquqlari bo‘yicha Kengash, Oliy komissar idorasi, maxsus ma’ruzachilar hamda ixtisoslashgan tashkilotlar (YUNESKO, YUNISEF, BMT Ayollar tuzilmasi, XMT, JSST) tomonidan amalga oshirilayotgan tashabbuslar davlatlarning ta’lim sohasidagi siyosat va amaliyotlariga normativ, strategik va texnik darajada ta’sir ko‘rsatmoqda.

Dissertant, ayniqsa, Universal davriy hisobot (UPR), maxsus ma’ruzachilar instituti va tematik deklaratsiyalarning zamonaviy xalqaro huquqiy muhitdagi amaliy samarasini ta’kidlaydi. Bu mexanizmlar davlatlar uchun bevosita majburiy bo‘lmasa-da, kuchli siyosiy va axloqiy bosim vositalari sifatida xalqaro huquq normalarining amalga oshirilishiga turtki beradi. O‘zbekiston tajribasi asosida qizlar, nogironligi bo‘lgan bolalar, qishloq aholisi va ijtimoiy himoyaga muhtoj qatlamlar uchun ta’limga kirish imkoniyatlarini kengaytirishga qaratilgan tavsiyalar mazkur mexanizmlarning konkret amaliy ta’sirini ko‘rsatadi.

Dissertant, ta’lim olish huquqini ta’minlovchi xalqaro va mintaqaviy mexanizmlar xususan, shartnomaviy va noshartnomaviy (ustav asosidagi) institutlar o‘zaro huquqiy, siyosiy va institutsional uyg‘unlikda faoliyat yuritgandagina real natijalar berishi mumkin, degan xulosaga kelgan.

Ushbu bobning *“Insonning ta’lim olish huquqini ta’minlash bo‘yicha xorijiy davlatlar amaliyoti qiyosiy – huquqiy tahlili”* deb nomlangan uchinchi paragrafida dissertant ta’lim olish huquqining xalqaro amaliyotda qanday turlicha kafolatlanishini huquqiy tizimlar, konstitutsiyaviy normalar va ta’lim kodekslari orqali tahlil qiladi. Dissertant rivojlangan davlatlar tajribasini tahlil qilgan holda ta’lim olish huquqini samarali ta’minlashda har bir mamlakat o‘zining siyosiy, iqtisodiy va madaniy kontekstiga mos keluvchi, ammo inson huquqlariga asoslangan yondashuvni ishlab chiqqanini ta’kidlaydi. Finlandiya misolida – o‘quvchi farovonligini diqqat markaziga qo‘ygan erkin va bosimsiz tizim; Germaniyada – kasbiy yo‘naltirilgan, davlat va ishlab chiqarish o‘rtasidagi hamkorlikka asoslangan dual tizim; Kanadada – inklyuzivlik va xilma-xillikni huquqiy va texnologik asosda uyg‘unlashtirish; Fransiyada – dunyoviylik va qonun ustuvorligi tamoyillari asosida kafolatlangan teng huquqlilik; Janubiy Koreyada esa – raqamli texnologiyalarni ta’limga integratsiyalash orqali yuksak natijalar qo‘lga kiritilgan.

Har bir mamlakat o‘zining tarixiy, madaniy va siyosiy kontekstidan kelib chiqib, o‘ziga xos modelni shakllantirgan bo‘lsa-da, bu tajribalarni O‘zbekiston

sharoitiga moslashtirishda ularni to‘g‘ridan to‘g‘ri ko‘chirish emas, balki ehtiyotkorlik bilan gibrid model yaratish zarurati muhim ahamiyat kasb etadi.

Dissertatsiyaning “**Yangi O‘zbekistonda Insonning ta’lim olish huquqini ta’minlashning tashkiliy huquqiy asoslarini takomillashtirish**” deb nomlangan uchinchi bobi ta’lim olish huquqini ta’minlashning milliy mexanizmlarini chuqur o‘rganishga bag‘ishlanib, unda, birinchi navbatda, ushbu huquqni ta’minlashga qaratilgan milliy qonunchilikni takomillashtirish va tizimlashtirish yo‘nalishlari tahlil qilingan. Shuningdek, ushbu bobda ta’lim olish huquqining institutsional va tashkiliy asoslarini mustahkamlash, davlat siyosati va boshqaruv mexanizmlarining roli yoritilgan. Ayniqsa, ijtimoiy himoyaga muhtoj qatlamlar, nogironligi bo’lgan shaxslar, ayollar, qishloq aholisi, kam ta’minlangan oilalar va boshqa zaif guruhlarning ta’lim olish huquqini amalda ta’minlash masalalari atroflicha tahlil qilingan.

Mazkur bobning *“Insonning ta’lim olish huquqini ta’minlash sohasidagi milliy qonunchilikni tizimlashtirish”* deb nomlangan birinchi paragrafida ta’lim olish huquqini ta’minlash borasida milliy qonunchilikni takomillashtirish zarurati asoslab berilgan.

Dissertatsiyada O‘zbekistonda ta’lim olish huquqini ta’minlash borasidagi milliy qonunchilikning holati, mavjud muammolar va ularni bartaraf etish yo‘llari chuqur tahlil qilingan. Ta’kidlanishicha, yangi tahrirdagi Konstitutsiyada ta’lim olish huquqining asosiy huquq sifatida mustahkamlanishi, “Ta’lim to‘g‘risida”, “Maktabgacha ta’lim to‘g‘risida”, “Ilm-fan va ilmiy faoliyat to‘g‘risida”gi qonunlar va tegishli konsepsiyalar orqali milliy mexanizmning institutsional, huquqiy va siyosiy asoslari yaratildi. Shu bilan birga, amaldagi qonunosti hujjatlarda mavjud ziddiyatlar, normativ qarama-qarshiliklar va quyi darajadagi normativ ijodkorlikning ustuvorligi ta’lim huquqini to‘laqonli amalga oshirishga to‘sqinlik qilayotgani ko‘rsatilgan.

Ilmiy ish doirasida o‘tkazilgan va *2100 nafar respondent ishtirok etgan* ijtimoiy so‘rov natijalari ta’lim sohasidagi huquqiy tartibotning takomillashtirilishi zarurligini aniq ko‘rsatdi. Respondentlarning 93 foizi turli qonun va qarorlar o‘rtasida qarama-qarshiliklar mavjudligini, 75 foizi esa ta’lim olish huquqini amalda ta’minlash uchun amaldagi huquqiy asoslar yetarli emasligini bildirgan. Shuningdek, respondentlarning 90,47 foizi yagona “Ta’lim kodeksi”ni qabul qilish zarurligini qo‘llab-quvvatlagan. Ushbu natijalar jamiyatda ta’lim sohasida izchil va barqaror huquqiy tartibotga ehtiyoj nihoyatda yuqori ekanini ilmiy jihatdan tasdiqlaydi.

Ta’lim kodeksi barcha bosqichdagi ta’lim munosabatlarini yagona va izchil tartibga solib, huquqiy barqarorlikni ta’minlaydi, fuqarolarning ta’lim olish huquqini kafolatlaydi va xalqaro standartlarga moslashtirish imkonini beradi.

Ushbu bobning ikkinchi paragrafi *“Insonning ta’lim olish huquqini ta’minlashning milliy mexanizmini takomillashtirish”* deb nomlanib, unda O‘zbekiston Respublikasida ta’lim olish huquqini ta’minlash bo‘yicha milliy mexanizmning huquqiy, institutsional va siyosiy asoslari tizimli tarzda tahlil

qilinib, uni yanada takomillashtirish zarurligi ilmiy asoslab berilgan. Milliy mexanizm konstitutsiyaviy kafolatlar, sohaga oid maxsus qonunlar, ijro va nazorat organlari, sud tizimi, inson huquqlari institutlari va monitoring mexanizmlari kabi elementlarning o‘zaro uzviy faoliyatini nazarda tutuvchi kompleks yondashuv sifatida qaralgan.

Paragrafda K. Beiter, A. Sen va K. Tomasevski kabi e’tirof etilgan tadqiqotchilarning konseptual yondashuvlarini o‘zaro uyg‘unlashtirilgan holda milliy tizimga moslashtirish zarurligi asoslab berilgan. Shuningdek, dissertatsiyada milliy ta’lim tizimining pandemiyadan keyingi davr va raqamli texnologiyalar talablari bilan uyg‘unlashuvi, ta’lim resurslarining hududiy tenglikda taqsimlanishiga e’tibor qaratilishi zarurligi qayd etilgan. Ta’lim vazirligi, mintaqaviy boshqarmalar, ombudsman, fuqarolik jamiyati va xalqaro tashkilotlar o‘rtasidagi muvofiqlashtirilgan hamkorlik bu boradagi muhim omil sifatida ko‘rsatib o‘tilgan.

Dissertatsiyada O‘zbekiston tomonidan xalqaro tashkilotlarga taqdim etilgan Davriy ma’ruzalar natijasida ishlab chiqilgan 2022–2026, 2023–2025 va 2024–2027-yillarga mo‘ljallangan milliy harakatlar rejalarining tahlili orqali ta’lim olish huquqini ta’minlashda xalqaro majburiyatlarning milliy siyosatga integratsiya qilinishi samarali vosita sifatida baholangan. Bu rejalar orqali inklyuzivlik, gender tengligi, infratuzilma, pedagogik salohiyat va resurslarni hududlararo adolatli taqsimlash bo‘yicha aniq choralar belgilangan bo‘lsa-da, ularning to‘liq amalga oshirilishi uchun huquqiy barqarorlik, siyosiy iroda va institutsional uyg‘unlikka ehtiyoj mavjudligi ta’kidlangan.

Mazkur bobning *“Yangi O‘zbekistonda aholining ijtimoiy himoyaga muhtoj qatlamlarining ta’lim olish huquqini ta’minlash*” deb nomlangan uchinchi paragrafida ijtimoiy himoyaga muhtoj qatlamlarning ayollar, bolalar, nogironligi bo’lgan shaxslar, kam ta’minlangan oilalar va boshqa zaif guruhlarning ta’lim olish huquqini ta’minlash borasida O‘zbekistonda olib borilayotgan siyosiy, huquqiy va amaliy chora-tadbirlarni chuqur o‘rganib chiqqan. Xususan, “Ayollar daftari”, “Yoshlar daftari”, “Temir daftar” kabi maqsadli dasturlar va ta’limga oid qonunlar ushbu qatlamlar uchun ta’lim imkoniyatlarini kengaytirishga xizmat qilayotganini ilmiy asosda tahlil qilgan.

Dissertant, ayniqsa, inklyuziv ta’limning rolini yuqori baholagan bo‘lib, uni nafaqat nogiron shaxslarning ta’lim huquqini kafolatlovchi, balki ularning jamiyatga to‘laqonli integratsiyasini ta’minlovchi vosita sifatida talqin qilgan. Shuningdek, nodavlat notijorat tashkilotlar, xalqaro tashkilotlar va xususiy sektorning ijtimoiy sheriklik asosida olib borayotgan sa’y-harakatlari moliyaviy ko‘mak, infratuzilmani rivojlantirish, innovatsion yondashuvlar va stereotiplarga qarshi kurashish kabi yo‘nalishlar ijtimoiy tenglik va ta’lim imkoniyatlarini oshirishda muhim omil sifatida baholangan.

Dissertant tadqiqot asosida ijtimoiy himoyaga muhtoj qatlamlarning ta’lim olish huquqini ta’minlashda davlat siyosati, huquqiy mexanizmlar, xalqaro tajriba, jamiyat va xususiy sektor hamkorligi, shuningdek, innovatsion va inklyuziv

yondashuvlarning uyg‘un holda tatbiq etilishi orqali bu huquqni to‘liq ro‘yobga chiqarish mumkin, degan xulosaga kelgan.

XULOSA

Ta’lim olish huquqini ta’minlash: xalqaro va milliy tajriba mavzusi bo‘yicha olib borilgan tadqiqot natijasida quyidagi ilmiy xulosalar, taklif hamda tavsiyalar ishlab chiqildi:

I. Ilmiy-nazariy xulosalar:

1. “Ta’lim olish huquqi”, “ta’lim olish huquqini ta’minlash”, “boshlang‘ich ta’lim huquqi”, “o‘rta ta’lim olish huquqi”, “oliy ta’lim olish huquqi”, “ayollar va qizlarning ta’lim olish huquqi”, “migrantlarning ta’lim olish huquqi”, “mahkumlarning ta’lim olish huquqi”, “nogironligi bo‘lgan shaxslarning ta’lim olish huquqi”, “bolalarning ta’lim olish huquqi”, “tarbiya olish huquqi” kabi tushunchalarga zamonaviy yondashuvdagi quyidagicha mualliflik ta’riflari shakllantirildi va ularni milliy qonunchilikka kiritish zarurati asoslantirildi:

Ta’lim olish huquqi - bu har bir shaxsning tug‘ilgan paytdan boshlab umrining barcha davrlarida, millati, jinsi, tili, dini, irqiy yoki etnik mansubligi, ijtimoiy kelib chiqishi, salomatlik holati va iqtisodiy-madaniy sharoitidan qat’i nazar sifatli, teng, uzluksiz, mavjud, ochiq, maqbul va moslashuvchan ta’lim xizmatlaridan erkin va kamsitishsiz foydalanish imkoniyatiga egaligini bildiruvchi, xalqaro va milliy huquqiy normalar bilan e’tirof etilgan fundamental konstitutsiyaviy ijtimoiy huquqdir;

Xotin - qizlarning ta’lim olish huquqi - bu ularning erkaklar bilan teng ravishda ta’lim olish imkoniyatiga ega bo‘lishini kafolatlaydigan asosiy inson huquqlaridan biridir. Ushbu huquq ayollar va qizlarning boshlang‘ich, o‘rta va oliy ta’limga to‘siqsiz kirishini, sifatli ta’lim olishini hamda bilim va kasbiy rivojlanish imkoniyatlaridan foydalanishini ta’minlashga qaratilgan. Bu huquq gender tengligini mustahkamlash, ayollarni ijtimoiy va iqtisodiy jihatdan mustaqil qilish hamda ularning jamiyatda faol ishtirokini qo‘llab-quvvatlashga xizmat qiladi;

Migrantlarning ta’lim olish huquqi - ularning millati, huquqiy maqomi yoki kelib chiqishidan qat’i nazar, teng va to‘siqsiz ravishda ta’lim olish imkoniyatiga ega bo‘lishini kafolatlovchi fundamental huquqdir. Bu huquq migrantlarning ta’limga kirishishini, til to‘siqlari va huquqiy cheklovlarsiz bilim olishlarini, shuningdek, ularning jamiyatga muvaffaqiyatli integratsiyasini ta’minlashga qaratilgan;

Mahkumlarning ta’lim olish huquqi - bu qamoqda bo‘lishidan qat’i nazar, har bir insonning ta’lim olish imkoniyatiga ega bo‘lishini ta’minlaydigan asosiy huquqdir. Ushbu huquq mahkumlarning shaxsiy rivojlanishi, reabilitatsiyasi va jamiyatga qayta integratsiyasiga ko‘maklashishga xizmat qiladi. Bu, savodxonlik kurslari, kasbiy ta’lim, oliy ta’lim va boshqa o‘quv dasturlaridan foydalanish imkoniyatlarini o‘z ichiga oladi. Shu bilan birga, ushbu huquq mahkumlarning

kelajakda yaxshiroq hayot kechirishi va jinoyatchilik darajasini kamaytirishga koʻmaklashishga yoʻnaltirilgan;

Nogironligi boʻlgan shaxslarning ta'lim olish huquqi - bu jismoniy, aqliy yoki hissiy cheklovlaridan qat'i nazar, har bir insonning sifatli va inklyuziv ta'lim olish imkoniyatiga ega boʻlishini kafolatlovchi fundamental huquqdir;

Bolalarning ta'lim olish huquqi - har bir bolaning irqiy, jinsiy, milliy yoki ijtimoiy kelib chiqishidan qat'i nazar, sifatli va bepul ta'lim olish imkoniyatiga ega boʻlishini kafolatlaydigan asosiy inson huquqlaridan biridir. Ushbu huquq bolalarning intellektual, ijtimoiy va shaxsiy rivojlanishini qoʻllab-quvvatlashga, ularni jamiyat uchun foydali a'zo boʻlib yetishishiga yoʻnaltirilgan. Barcha bolalar uchun boshlangʻich ta'lim majburiy va bepul boʻlishi, oʻrta va oliy ta'lim esa imkoniyatlarga qarab ochiq va qulay sharoitda taqdim etilishi kerak.

2. Katarina Tomasevskiyning "4A modeli" ta'lim huquqining universal mezoni sifatida milliy huquqiy tizim bilan uygʻunlashtirildi. Tadqiqot ushbu modelning (mavjudlik, ochiqlik, maqbullik, moslashuvchanlik) Oʻzbekiston sharoitida qoʻllanish tamoyillarini tahlil qilib, milliy gibrid modelni yaratish nazariyasini ilgari surdi.

3. Ta'lim olish huquqining "katalizator-huquq" funksiyasi nazariy jihatdan asoslandi. Mazkur huquqning amalga oshishi boshqa barcha ijtimoiy, iqtisodiy va siyosiy huquqlarning real bajarilishi uchun zamin yaratishi aniqlanib, uning inson huquqlari tizimidagi ustuvor epistemologik oʻrni belgilandi.

4. Ta'lim olish huquqining xalqaro-huquqiy mexanizmlariga tizimli nazariy baho berildi. BMT shartnomaviy organlari, YUNESKO, YUNISEF va boshqa xalqaro institutlarning monitoring, sharhlash, tavsiya va nazorat vositalari orqali ta'lim huquqini real hayotga tatbiq etishdagi oʻrni konseptual jihatdan asoslandi.

5. Xorijiy mamlakatlar ta'lim tizimlari asosida Oʻzbekiston uchun gibrid model yaratish nazariy jihatdan asoslab berildi. Finlandiya, Germaniya, Kanada, Fransiya va Janubiy Koreya tajribalarining qiyosiy tahlili Oʻzbekiston sharoitiga moslashtirilgan integratsiyalashgan modelning nazariy-metodologik asoslarini shakllantirishga imkon berdi.

II. Milliy qonunchilikni takomillashtirishga qaratilgan takliflar:

1. Milliy qonunchilikning tizimliligi va uygʻunligi ta'lim huquqining kafolatidir. Oʻzbekiston ta'lim tizimini xalqaro standartlarga moslashtirish, konstitutsiyaviy kafolatlarni mustahkamlash va xalqaro hujjatlarni milliy qonunchilikka integratsiya qilish borasida katta qadamlar tashlamoqda. Biroq, mavjud qonun va qonunosti normativ-huquqiy hujjatlar oʻrtasidagi kolliziyalar, oliy ta'limga oid tartiblarning izchilligi yetarli emasligi, kompleks qonunchilik xususan, Ta'lim kodeksini qabul qilish zaruratini tugʻdiradi.

2. Ta'lim togʻrisidagi qonunga quyidagi mazmundagi yangi modda kiritish taklif etiladi. "Har bir ta'lim tashkilotida ta'lim oluvchilarning vakillik organi – Oʻquvchilar kengashi tashkil etiladi. Oʻquvchilar kengashi ta'lim tashkiloti

faoliyatining muhim masalalari – ichki tartib-qoidalar, akademik yuklama, baholash mezonlari, intizomiy jarayonlar va rivojlanish strategiyasining muhokamasida ishtirok etadi. Ta’lim tashkiloti rahbari O‘quvchilar kengashi takliflariga asoslangan rasmiy javob berishga majbur.”

3. Ta’lim to‘g‘risidagi qonun 47-modda 6-xat boshi quyidagi tahrirda bayon etilishi taklif etiladi “Ta’lim tashkiloti ta’lim oluvchilarning psixologik farovonligi va ruhiy xavfsizligini ta’minlashga majburdir. Muassasa tazyiq, internet orqali tahqirlash, zo‘ravonlik va kamsitishning oldini olish, stress va xavotir holatlarini aniqlash hamda psixologik yordam ko‘rsatish bo‘yicha muntazam ishlarni amalga oshiradi. Ta’lim tashkilotida psixologik xizmat faoliyat yuritadi, anonim murojaatlar qabul qilinadi va zarur hollarda vakolatli organlar bilan hamkorlikda choralar ko‘riladi. Ushbu talablarning ijrosi tegishli davlat organlari tomonidan nazorat qilinadi.”

4. Ozodlikdan mahrum etilgan shaxslarning ta’limdan foydalanish imkoniyatlarini kengaytirish va ularning masofaviy ta’limdan foydalanishini to‘liq tartibga solish maqsadida alohida yangi Vazirlar Mahkamasi qarorini qabul qilish taklif etiladi. Ushbu qaror ozodlikdan mahrum etilgan shaxslarga oliy ta’limni masofaviy shaklda tashkil etishning huquqiy, tashkiliy va texnik mexanizmlarini mustaqil normativ-huquqiy hujjat sifatida belgilab beradi.

5. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2025-yil 13-sentabrdagi 578-son qarori bilan tasdiqlangan “Oliy ta’lim tashkilotlari talabalari o‘qishini ko‘chirish, qayta tiklash va o‘qishdan chetlashtirish tartibi to‘g‘risida”gi nizomning 49-bandida talaba oliy ta’lim muassasasidan bir semestr davomida darslarni uzrli sabablarsiz 74 soatdan ortiq qoldirganligi sababli chetlashtirilishi talabi bekor qilinishi kerak.

6. Vazirlar Mahkamasining 2025-yil 13-sentabrdagi 578-son qarorining 3-ilovasi bilan tasdiqlangan “Oliy ta’lim muassasalari talabalari o‘qishini ko‘chirish, qayta tiklash va o‘qishdan chetlashtirish tartibi to‘g‘risida”gi nizomning 11-bandida talabaning o‘qishni muayyan kursdan (semestrdan) davom ettirishi uchun undan bilimini nazorat qilish va baholashning reyting tizimida - o‘quv rejalaridagi umumkasbiy va ixtisoslik fanlari bo‘yicha farqlar 4 tadan oshmasligi talabi qayta tahrirlanishi kerak.

7. O‘zbekiston Respublikasi Oliy va o‘rta maxsus ta’lim vazirining 2018-yil 26-sentabrdagi buyrug‘i bilan tasdiqlanib O‘zbekiston Respublikasi Adliya vazirligi tomonidan 3069-qaram bilan ro‘yxatdan o‘tkazilgan “Oliy ta’lim muassasalarida talabalar bilimini nazorat qilish va baholash tizimi to‘g‘risida”gi nizomning 28-bandida “Talaba uzrli sabablarsiz malakaviy amaliyotga qatnashmagan, shuningdek malakaviy amaliyot yakunlari bo‘yicha “2” (qoniqarsiz) baho bilan baholangan hollarda, u akademik qarzdor hisoblanadi va kursdan qoldiriladi.”-deb belgilangan. Ushbu talab bekor qilinishi lozim.

8. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2021-yil 3- iyundagi 344-son qarori bilan tasdiqlangan “O‘zbekiston Respublikasi oliy ta’lim

muassasalari talabalariga akademik ta’til berish to‘g‘risida”gi Nizomning 3-bandi va 17-bandi talablari o‘zaro muvofiqlashtirilishi kerak.

9. O‘zbekiston Respublikasi Vazirlar Mahkamasining 2017-yil 22-maydagi 304-son qarori 2-ilovasi bilan tasdiqlangan “Oliy ta’limdan keyingi ta’lim to‘g‘risida”gi Nizomning 32-bandida stajyor-tadqiqotchilik, tayanch doktorantura va doktoranturada o‘qish muddatini uzaytirilishi asoslaridan biri sifatida bola parvarishlash ta’tilini kiritish kerak.

III. Ta’lim olish huquqini ta’minlashning tashkiliy asoslarini takomillashtirish bo‘yicha takliflar:

1. Ta’lim tashkilotlarida sifat menejmentini xalqaro standartlarga moslashtirish maqsadida xalqaro akkreditatsiya tizimini joriy etish zarur. Bunda maktab va oliy ta’lim muassasalarining European Quality Assurance Register va European Association for Quality Assurance in Higher Education kabi tashkilotlar tomonidan tan olinadigan akkreditatsiya dasturlarida ishtirokini ta’minlash lozim.

2. Maktab muhitining jismoniy va psixologik xavfsizligi, o‘quvchilarning emotsional holati hamda tazyiq va zo‘ravonlikning oldini olish bo‘yicha amalga oshirilgan choralar haqida yillik milliy hisobot joriy etilishi, ushbu ma’lumotlarning ochiq e’lon qilinishi ta’lim tizimida shaffoflikni oshiradi.

3. Ta’lim tizimida ochiqlikni kuchaytirish maqsadida maktablar bo‘yicha “Ochiq ma’lumotlar paneli”ni (Open School Data) joriy etish zarur. Panelda o‘quv dasturlari bajarilishi, byudjet sarfi, o‘qituvchi yuklamalari va xavfsizlik ko‘rsatkichlarining real vaqt rejimida e’lon qilinishi jamoatchilik nazoratini kuchaytiradi.

4. Ozodlikdan mahrum etilgan shaxslarning ta’lim olish huquqini ta’minlash maqsadida maxsus ta’lim tizimini joriy etish lozim. Jazoni ijro etish muassasalarida masofaviy ta’lim markazlari tashkil etilishi, oliy ta’limga qabulda shaxsan tashrif talabining bekor qilinishi hamda oliy ta’lim tashkilotlari bilan penitensiar muassasalar o‘rtasida alohida shartnomaviy hamkorlik mexanizmining belgilanishi reabilitatsiya samaradorligini oshiradi.

5. “Zero tolerance” yondashuviga asoslanib, ta’lim tizimida korrupsiyaga qarshi mexanizmlarni kuchaytirish talab etiladi. Ta’lim muassasalarida “Akademik halollik markazlari”ni tashkil etish, ta’lim sektori uchun maxsus anonim shikoyat platformasini yaratish va tanlov, imtihon hamda attestatsiya jarayonlarini to‘liq raqamlashtirish korrupsiya xavfini sezilarli kamaytiradi.

6. Inklyuziv ta’limni rivojlantirish maqsadida har bir hududda “Inklyuzivlik bo‘yicha metodik markazlar”ni tashkil etish va barcha maxsus ehtiyojli o‘quvchilar uchun Individual ta’lim dasturlarini majburiy joriy etish zarur. Bu mexanizm o‘quvchilarning individual ehtiyojlarini to‘liq qamrab oladi.

7. Ta’lim muassasalarida psixologik xizmatni kuchaytirish maqsadida har 1000 nafar o‘quvchiga kamida 1 nafar psixolog normativini belgilash, shuningdek o‘quvchilarning ruhiy holatini baholashga xizmat qiluvchi “psixologik xavfsizlik

pasporti” tizimini joriy etish lozim. Bu chora erta profilaktika va xavfsiz ta’lim muhitini ta’minlaydi.

8. Ta’lim sohasidagi nizolarni sudgacha bosqichda hal etish va talaba hamda pedagoglarning huquqlarini tezkor himoya qilish maqsadida oliy ta’lim muassasalarida Universitet ombudsmani institutini joriy etish maqsadga muvofiqdir. Ushbu institut ta’lim olish huquqidan foydalanish bilan bog‘liq nizolarni xolislik, shaffoflik va adolatli hal etish mexanizmini kuchaytiradi.

THE SCIENTIFIC COUNCIL DSc.26/2025.27.12.Yu/S.01.01 FOR AWARDING ACADEMIC DEGREES UNDER THE NATIONAL CENTER OF THE REPUBLIC OF UZBEKISTAN FOR HUMAN RIGHTS

NATIONAL CENTER FOR HUMAN RIGHTS OF THE REPUBLIC OF UZBEKISTAN

SHARAPOV SHUKHRAT SHOKIROVICH

ENSURING THE HUMAN RIGHT TO EDUCATION (INTERNATIONAL AND NATIONAL EXPERIENCE)

12.00.13 – Human Rights

ABSTRACT
of the Dissertation for the Degree of Doctor of Philosophy (PhD) in Law

Tashkent – 2026

The title of the Doctor of Philosophy (PhD) was registered at the Supreme Attestation Commission at the Academy of Sciences of the Republic of Uzbekistan with number B2023.3.PhD/Yu1212.

The dissertation research was conducted at the National Human Rights Centre of the Republic of Uzbekistan.

The dissertation abstract is available in three languages (Uzbek, English, and Russian (summary)) on the website of the Academic Council (http://nhrc.uz/oz/menu/avtoreferat) and on the ZiyoNet Educational and Information Portal (www.ziyonet.uz).

Supervisor:	**Ochilov Utkirbek Sayfullaevich** Doctor of Law, Associate Professor
Official opponents:	**Alimov Gaybulla Alimovich** Doctor of Law, Associate Professor
	Mirhamidova Mahinnora Nurullaevna Doctor of Philosophy in Law, Associate Professor
Leading organization:	**Karakalpak State University named after Berdakh**

The defense of the dissertation will be held on " 7 " July, 2026 at 15-00 at session of the Scientific Council DSc.26/2025.27.12.Yu/S.01.01 at the National Human Rights Center of the Republic of Uzbekistan (Address: 100029, Islam Karimov street, 15. Tashkent, Uzbekistan. Phone: +998 71 239 40 23, e-mail: info@nhrc.uz).

The dissertation is available at the Information Resource Centre of the National Human Rights Center of the Republic of Uzbekistan (№ 13) Address: 100029, Islam Karimov street, 15, Tashkent, Uzbekistan.

The abstract of the dissertation submitted on "__" _____, 2026.

(Registry Protocol No. "__"_____, 2026).

M.A. Tillabayev
Chairman of the Scientific Council awarding scientific degrees, Doctor of Law, Professor

I.T. Turgunov
Acting scientific secretary of the Scientific Council awarding scientific degrees, Doctor of Law, Associate Professor

G. Yuldasheva
Chairman of the Scientific Seminar at the Scientific Council awarding scientific degrees, Doctor of Law, Professor

INTRODUCTION
(Abstract of the Doctor of Philosophy (PhD) Dissertation)

The actuality and necessity of the dissertation topic. In today's world, under conditions of globalization and a knowledge-based society, the right to education is recognized as a fundamental and integral element of the human rights system, and it is enshrined in the UN International Covenant on Economic, Social and Cultural Rights as well as in UNESCO's "Education 2030" global agenda. The extent to which this right is effectively ensured is also emphasized in analytical reports on education policy as one of the key factors determining social justice, economic stability, and the development of human capital in society1. The transition to a digital society, the expansion of distance-learning formats, and the rapid introduction of artificial intelligence technologies into the education system, while creating new opportunities for the realization of the right to education, at the same time generate new legal and social challenges related to equal access to education, education quality, and inclusiveness.

At the global level, ensuring the human right to education is emerging as a complex scholarly and legal problem that requires achieving proportionality between international human rights standards and national legal systems. In the process of effectively integrating the standards set out in international treaties into national legislation and law-enforcement practice particularly in implementing in practice the 4A principles (availability, accessibility, acceptability, and adaptability) defined by the UN Committee on Economic, Social and Cultural Rights, a number of institutional and legal problems persist. A deep, systematic, and comprehensive study of international and national experience in ensuring the right to education on the basis of comparative legal analysis necessitates conducting a separate scholarly research in terms of filling existing academic gaps in this field, developing theoretical approaches, and improving practical legal mechanisms.

In our country, systemic reforms are being implemented consistently and step by step with the aim of fully ensuring the right to education. In his speech at the 80th session of the UN General Assembly, the President of the Republic of Uzbekistan spoke about consistent reforms in the national education system, noting that preschool education coverage increased from 27 percent to 78 percent, and higher education enrollment increased from 9 percent to 42 percent, and most importantly, that enhancing the prestige and status of the teaching profession has become a priority direction of state policy2. At the same time, it should be

1 Education at a Glance 2025 OECD Indicators // URL:https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/09/education-at-a-glance-2025_c58fc9ae/1c0d9c79-en.pdf?utm (murojaat qilingan sana: 10.12.2025).

2 Mirziyoev, Sh.M. Birlashgan Millatlar Tashkiloti Bosh Assambleyasining 80-sessiyasidagi nutqi // URL: https://president.uz/oz/lists/view/8525 (murojaat qilingan sana: 05.11.2025).

emphasized that systemic problems still remain in fully ensuring the right to education especially in creating an equal and inclusive educational environment for socially vulnerable groups and in establishing justice, transparency, and accountability within the education system. This situation necessitates strengthening effective cooperation among state bodies and other stakeholders, as well as conducting scholarly and practical research aimed at improving the practical implementation, monitoring, and legal guarantees of the right to education.

This dissertation contributes, to a certain extent, to ensuring the implementation of tasks set out The Constitution of the Republic of Uzbekistan (2023), in the laws "On Education" (2020), "On Preschool Education and Upbringing" (2019), and "On the Rights of Persons with Disabilities" (2020), decrees of the President of the Republic of Uzbekistan "On Approval of the National Strategy of the Republic of Uzbekistan on Human Rights" (2020), "On additional measures to consistently continue reforms and bring them to a new stage within the framework of priority directions of the country's development until 2030" (2026), "On Approval of the Concept for Development of the Higher Education System of the Republic of Uzbekistan until 2030" (2019), as well as other relevant normative legal acts.

The compliance of the research with the priority directions of scientific and technological development of the republic. This dissertation has been carried out in accordance with Priority Area II of the development of national science and technologies: "Formation of a system of innovative ideas and ways to implement them in the social, legal, economic, cultural, spiritual and educational development of an informatized society and a democratic state."

The extent of the study of the research problem. The general aspects of the right to education have been studied by national scholars such as A.X. Saidov, M.A. Tillabayev, A.R. Mo'minov, G. Yuldasheva, H.B. Boboev, F.X. Bakaeva, A.B. Gafurov, B.I. Ismailov, M.X. Rustambaev, L.A. Saidova, A.A. Tulaganov, M.T. Turg'unov, Sh.G'. Asadov, X.M. Yunusov, N.A. Nugmanov, M.U. Tursunova, S. Jakbarov and others.

In the work "International Law on Human Rights" by Academician A.X. Saidov, the right to education is recognized as one of the basic and inalienable human rights. The author provides a comprehensive analysis of the international and national sources of this right and pays particular attention to the issue of ensuring a balance between state obligations and individual rights and freedoms in its implementation. A.R. Mo'minov and M.A. Tillabayev have also widely covered the right to education in their scholarly and educational-methodological works. In their textbook "Human Rights," this right is recognized as one of the fundamental human rights, and its international and national legal foundations as well as its application in practice are analyzed. In the textbook "Children's Rights," the right of children to education and its legal bases are addressed separately. In addition, within the framework of dissertation research, M. Tursunova analyzed issues of

improving Uzbekistan's international legal cooperation in the field of education, while Sh. Asadov scientifically substantiated the constitutional foundations of citizens' right to receive education, the mechanisms and guarantees for its implementation, and their coherence with education policy.

In scholarly research by foreign scholars and in legal literature, special attention has been paid to the right to education and to the social, political-legal, and methodological aspects of its realization and provision. The academic works of foreign scholars such as K. Tomashevskiy, K. Beyter, P. Alston, A. Chapman, V. Munoz, P. Villalobos, A. Sen, F. Tibbitts, K. Bajaj, as well as researchers from the Commonwealth of Independent States including B. Strashun, E. Kozlova, A. Kozirin, E. Martinenko, M. Baglay, S. Bugashev, K. Chepenko, K. Cherkasov, O. Malseva and others, confirm the relevance of this direction[1]. Foreign researcher K. Tomashevskiy interprets the right to education as a "key right" that ensures the effective enjoyment of all other rights and freedoms. In his view, the full realization of this right expands a person's possibilities to exercise other rights; otherwise, it restricts their use. This approach demonstrates the central and integrative significance of the right to education within the human rights system.

Although to date the right to education and issues of ensuring it have been studied both domestically and internationally, existing research does not sufficiently cover the legal characterization of the concept of the right to education, the specific features and components of ensuring it, international and regional mechanisms, foreign experience, and issues of systematizing national legislation. In particular, the formation and development of mechanisms for ensuring the right to education of persons belonging to socially vulnerable groups have not been analyzed in depth. Therefore, analyzing issues related to comprehensively studying, assessing, and improving precisely these factors in this scientific work is of urgent scholarly and theoretical importance.

The relation of the dissertation's topic to the scientific-research plans of the higher education institution where the dissertation was completed. The dissertation was carried out within the framework of the research plan approved in 2023 by the National Centre of the Republic of Uzbekistan for Human Rights.

Aim of the research is to develop scientifically grounded proposals and recommendations aimed at solving organizational and legal problems of ensuring the right to education.

Objectives of the study:

to systematically study the conceptual foundations, specific features, and structural components of the human right to education;

to comprehensively study and analyze the international legal foundations for ensuring the human right to education and the international mechanisms that realize this right;

[1] These and other sources are listed in the dissertation's bibliography.

to analyze the best practices of foreign states in ensuring the human right to education;

to develop proposals for improving and systematizing national legislation in the field of ensuring the right to education and for developing national mechanisms for implementing this right;

to study the features of the formation and development of mechanisms for ensuring the right to education of socially vulnerable segments of the population.

Object of the research comprises socio-legal relations related to organizational and legal foundations for ensuring the right to education, as well as international and national legal mechanisms.

Subject of the research includes universal and regional international legal instruments, the legislation of national and foreign countries, scientific conceptual approaches, and their implementation in practice, which regulate socio-legal relations related to activities ensuring the right to education.

Research methods. During the research, methods of scientific inquiry such as analysis, synthesis, induction, deduction, historical and systemic approaches, comparative legal method, statistical analysis, sociological survey, observation, and logical methods were used.

Scientific novelty of the research consists of the following:

it substantiates the introduction into legislation of legal mechanisms aimed at prohibiting the involvement of teachers in activities unrelated to their professional duties as an effective guarantee for ensuring the right to education;

it justifies improving normative legal mechanisms for supporting youth scientific, innovative, and startup activities as an integral component of the right to education;

it scientifically substantiates the need to review the register of existing regulatory, sanitary, and hygiene rules and to ensure necessary infrastructural capacities in order to create favorable conditions for all learners in the preschool and school education system;

it substantiates the need to strengthen the normative legal foundations for developing modern infrastructure for scientific and innovative activities as a strategic direction of ensuring the right to education;

it substantiates the need to establish leave entitlements by categories when developing annual basic and additional leave for non-teaching staff in educational institutions.

Practical results of the research include the following:

authorial definitions have been developed for concepts such as “the human right to education,” “ensuring the right to education,” “women’s right to education,” “prisoners’ right to education,” and “the right to education of persons with disabilities”;

emphasizing that the systematic and coherent nature of national legislation is the main guarantee of the right to education, the research scientifically and theoretically substantiates the need to eliminate existing normative legal

contradictions and to introduce comprehensive regulation in the process of aligning the education system with international standards and strengthening constitutional guarantees, including proposals to adopt the Education Code of the Republic of Uzbekistan;

although in Uzbekistan the right to education is ensured through a multi-level governance mechanism based on constitutional norms, there is a gap in the mechanism of guaranteed protection of this right; therefore, it is proposed to fill this gap by introducing a specially authorized University Ombudsman institution and integrating it into the existing legal mechanism;

taking into account the negative impact of persistent reforms in education and of conflicts arising between normative legal acts of different levels on the full provision of the right to education, a comprehensive proposal has been developed to strengthen legal consistency and guarantees by deeply analyzing subordinate legislation, systematizing it on the basis of unified criteria, and eliminating contradictions.

Reliability of research results. The information base of the research was formed on the basis of official, scientific, and educational-methodological sources, statistical data recognized by authorized organizations, as well as previously published monographic studies and sociological surveys, which ensured its reliability and relevance. The conclusions, proposals, and recommendations put forward have been tested in practice, and their results have been published in national and international scientific journals and discussed at national and international scientific-practical conferences.

Scientific and practical significance of research results. The research results are significant primarily because they can be used to enrich the scientific and theoretical foundations of academic courses such as “Human Rights,” “International Law on Human Rights,” “International Law,” and “Constitutional Law.”

The practical significance of the research results is determined by the possibility of applying the scientific provisions, conclusions, and recommendations developed therein in the activities of state bodies, national human rights institutions, and educational institutions. In particular, these results can be used to increase the effectiveness of preparation and teaching on the right to education, as well as to improve the development and application of normative documents in Uzbekistan.

Implementation of research results. The scientific results obtained in the dissertation research are reflected in the following:

proposals aimed at substantiating the prohibition of interference with a teacher’s independence, unfounded inspections of their activities, exerting pressure on teachers to assess learners’ knowledge fairly and objectively, and creating artificial obstacles to the performance of official duties, as well as at substantiating the illegality of involving teachers in activities unrelated to their professional activity, including compulsory public works such as beautification or agricultural

work, were reflected in subparagraph 2 of part 2 of Article 5 of the Law of the Republic of Uzbekistan No. O‘RQ-901 “On the Status of a Teacher,” adopted on 1 February 2024, in the wording “interference with a teacher’s professional activity, conducting unfounded inspections of their activity, influencing a teacher to prevent them from assessing learners’ knowledge correctly and objectively, as well as obstructing the performance of their official duties,” and in subparagraph 3 in the wording “involving a teacher in activities unrelated to their professional activity, including the beautification of territories and agricultural work” (*Act of implementation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan dated 19 March 2024 No. 2/6-09-46*). This proposal serves to prevent unfounded interference in teachers’ professional activity, ensure their independence, limit pressure in the process of fairly and objectively assessing learners’ knowledge, and prohibit involving teachers in work unrelated to their professional duties, thereby guaranteeing not only teachers’ labor rights but also learners’ right to quality education;

the proposal “Creating favorable conditions for education” was included in the wording “Implementing the ‘Favorable Educational Environment’ program in the general secondary education system” into Chapter 5, item 22 of the Roadmap (Annex 6) on deepening reforms and transforming the system in the field of preschool and school education under Presidential Decree PF-79 dated 26 May 2023 (*Act of implementation of the Ministry of Preschool and School Education dated 4 November 2025 No. 05-20-7499*). This proposal serves to increase the effectiveness of introducing the concept of a “favorable educational environment” within the reforms implemented in the system of the Ministry of Preschool and School Education, establishing inclusive education in preschool organizations and general secondary education institutions to create favorable conditions for all learners, reviewing the register of existing regulatory, sanitary, and hygiene rules, and ensuring necessary infrastructural capacities;

proposals on supporting youth innovative activity and coordinating a system that assists startup projects implemented by them were reflected in the seventh paragraph of item 7 of the Regulation on the Innovation Development Agency under the Ministry of Higher Education, Science and Innovations of the Republic of Uzbekistan, approved by Annex 2 to Cabinet of Ministers Resolution No. 489 dated 8 August 2024 (*Act of implementation of the Innovation Development Agency under the Ministry of Higher Education, Science and Innovations dated 6 November 2025 No. 01-05/4494*). This proposal serves to ensure the full and effective provision of the right to education by supporting youth scientific and innovative activity and creating necessary conditions for their creative and intellectual development;

proposals on increasing the intellectual and technological potential of regions and forming modern infrastructure for scientific and innovative activity were reflected in the eighth paragraph of item 7 of the Regulation on the Innovation Development Agency under the Ministry of Higher Education, Science

and Innovations of the Republic of Uzbekistan, approved by Annex 2 to Cabinet of Ministers Resolution No. 489 dated 8 August 2024 (*Act of implementation of the Innovation Development Agency under the Ministry of Higher Education, Science and Innovations dated 6 November 2025 No. 01-05/4494*). This proposal serves to elevate the content of the human right to education to a new qualitative stage by increasing regional intellectual and technological potential, developing modern infrastructure for scientific and innovative activity, and expanding opportunities to implement youth innovative ideas in practice;

the proposal, within "Granting annual labor leave in educational institutions," to establish leave entitlements by categories when developing annual basic and additional leave also for non-teaching staff was incorporated into the sectoral agreement through: Cabinet of Ministers Resolution No. 263 dated 26 June 2023 "On Measures to Establish Norms for the Duration of Annual Extended Labor Leave for Pedagogical Staff," the joint decision of the Ministry of Preschool and School Education and the Republican Council of the Trade Union of Education and Science Workers dated 27 June 2023 No. 23-qq and 10-7 "s," and the sectoral agreement decision of the Ministry of Higher Education, Science and Innovations and the Republican Council of the Trade Union of Education and Science Workers dated 17 July 2023 No. 24-qq and 10-11 "s" (*Act of implementation of the Republican Council of the Trade Union of Education and Science Workers dated 15 March 2024 No. 911D-5/86*). The implementation of these proposals strengthened the institutional guarantees of the right to education, created a clear system of norms for teachers and employers, and increased legal clarity and efficiency in education governance.

Approbation of research results. The main results and scientific conclusions of the research were discussed at international and national-level scientific-practical conferences, including 5 international and 2 national scientific-practical conferences.

Publication of research results. A total of 16 scientific works have been published on the dissertation topic, including 5 in journals registered by the Higher Attestation Commission, 4 in international journals, and 7 articles and theses in conference proceedings.

Structure and volume of the dissertation. The dissertation consists of an introduction, 3 (three) chapters, a conclusion, a list of references, and appendices. The volume of the dissertation is 150 (one hundred fifty) pages.

MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation outlines the relevance and necessity of the research topic; its alignment with the priority areas for the development of science and technology in the Republic; the degree of scholarly examination of the research problem; the connection of the dissertation topic with the research plans of the higher education institution where the dissertation was conducted; the

purpose and objectives of the research; its object and subject; research methods; scientific novelty and practical results; the reliability of the research findings; their scientific and practical significance; the implementation of the results; the approbation of the research outcomes; the publication of results; as well as the volume and structure of the dissertation.

The first chapter of the dissertation, entitled "**Theoretical and legal foundations for ensuring the human right to education**" analyzes the scientific and theoretical aspects of the topic. In this chapter, the concepts of the "right to education" and "ensuring the right to education," their legal characterization, as well as the trends in the emergence and development of the right to education, are examined in a comprehensive manner.

In the first paragraph of this chapter, entitled "*Conceptual foundations of the human right to education and its place within the human rights framework*," various views and approaches to understanding the right to education and the mechanisms for ensuring it are analyzed, and its legal characterization is examined in detail as a scientific problem.

The views of K. Beiter, K. Halvorsen, S. Sherry, T. Soydan, Y. Karaman, A. Kazannik, B. Strashun, E. Kozlova, M. Baglay, A. Kh. Saidov, M. A. Tillabayev, A. R. Muminov, G. Yuldasheva, and A. Yakubov on the legal nature of the concepts of the "right to education" and "ensuring the right to education" are analyzed, and their specific features and essential elements are identified. Based on this analysis, the author develops an original definition of the concept.

K. D. Beiter, in his attempt to define the right to education, emphasizes that it simultaneously belongs to the category of economic, social, and cultural rights. He further argues that, like other rights, the right to education requires states to make efforts to ensure access to primary, secondary, and higher education at all levels1. Various scholarly approaches to the right to education reveal its multi-layered and complex nature. In particular, from a human rights perspective, the right to education is viewed not merely as access to knowledge, but as a fundamental instrument for ensuring human dignity, equality, and freedom. As noted by Academician A. Kh. Saidov, the right to education guarantees every citizen of the Republic of Uzbekistan equal and free access to all forms of education and upbringing. The practical realization of this right is ensured through the existence of a strong material and technical base, which serves as an important foundation for the formation of a national model aligned with international standards.

Having analyzed various approaches aimed at revealing the content of the concepts of the right to education and ensuring the right to education, the author argues that this legal institution should encompass the following three aspects:

1 Beiter K.D. The protection of the right to education by international law: including a systematicanalysis of Article 13 of the International Covenant on Economic, Social, and Cultural Rights / by Klaus Dieter Beiter. P.47.

First, the legal definition of the right to education remains a complex concept that has not yet been clearly defined at either the international or national level, as existing legal instruments do not provide a comprehensive and unified definition;
Second, this situation leads to terminological and substantive ambiguities in national legislation, as well as to diverse interpretations and approaches in academic literature;

Third, in order to establish effective regulatory and implementation mechanisms for the right to education, it is necessary to develop a clear, consistent, and legally substantiated definition of this concept. Based on an analysis of scholarly perspectives on human rights education, as well as the approaches of international organizations and non-governmental institutions, the author proposes the following definition:

The right to education is a fundamental constitutional social right, recognized by international and national legal norms, which entitles every individual from birth and throughout all stages of life to free and non-discriminatory access to quality, equal, continuous, available, accessible, acceptable, and adaptable educational services, regardless of nationality, gender, language, religion, racial or ethnic origin, social background, health status, or socio-economic and cultural conditions.

By analyzing the various stages of education, the author identifies the specific characteristics of the right to education at each stage and proposes original definitions derived from their substantive content. At the same time, taking into account the specific features of the national education process, the author conceptually develops the notion of the right to upbringing.

In the second paragraph, entitled "*Specific features and structural components of ensuring the human right to education*" the author conducts an in-depth analysis of the practical realization of the right to education. This section comprehensively examines existing theoretical perspectives, scholarly research, as well as conceptual approaches and practical experiences developed by international organizations.

According to the author, scientific and theoretical approaches to ensuring the right to education are diverse and may be classified into two main groups. The first approach views education as a social value, while the second interprets it as an individual's subjective right vis-à-vis the state. Under the subjective rights approach, the right to education is regarded as a fundamental social right that imposes concrete legal obligations on the state, requiring proactive public policy, adequate financial resources, and the implementation of necessary institutional measures.

In this regard, the author considers the "4A model" (availability, accessibility, acceptability, and adaptability), developed by international expert Katarina Tomasevski, to be a key benchmark for assessing the effective realization of the right to education.

The author further argues that ensuring the right to education represents a complex and integrated approach emerging at the intersection of modern legal, pedagogical, and social theories, which must be comprehensively examined on the basis of universal principles. This approach requires the systematic, measurable, and resource-based implementation of the state's obligations to respect, protect, and fulfill the right to education within education policy. From this perspective, the realization of the right to education cannot be limited solely to normative-legal and judicial mechanisms; rather, it must be supported through a comprehensive framework that includes sustainable financing, quality infrastructure, qualified teaching staff, effective monitoring mechanisms, and policies based on equality and inclusiveness.

Existing approaches namely the normative-legal approach, the 4A model, the concept of quality education, inclusiveness, lifelong learning, and social justice collectively reveal different dimensions of the right to education. While some approaches define its legal foundations, others address actual access and educational quality, and still others focus on ensuring equality, inclusiveness, and continuity. The integration of these approaches into a unified and coherent system ensures not merely the formal recognition of the right to education, but its effective and practical realization.

In conclusion, the author emphasizes the necessity of developing a flexible hybrid model tailored to the conditions of Uzbekistan, harmonized with national values and grounded in these conceptual approaches. Such a model, the author argues, would contribute to the advancement of education policy based on the principles of human rights, sustainability, and social justice.

The second chapter of the dissertation, entitled "**International experience in ensuring the human right to education and its legal aspects**," examines the international mechanisms for ensuring the right to education in a systematized manner, and analyzes the practices of selected foreign countries that are considered leaders in this field.

In the section entitled "*International legal foundations for ensuring the human right to education*" the author provides a comprehensive analysis of the international legal bases of the right to education and traces its stages of development through specific legal instruments and institutions. In particular, it is emphasized that documents such as the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), specialized conventions including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, as well as UNESCO's 1960 Convention against Discrimination in Education, have laid the legal foundations for the right to education.

The study also notes that so-called "soft law" instruments, including the institution of UN Special Rapporteurs, initiatives of UNESCO and UNICEF, the Education for All framework, the Dakar Framework for Action, the Incheon

Declaration, and Sustainable Development Goal 4, have played a decisive role in shaping international standards for inclusive, quality, and lifelong education. According to the author, while the diversity of international instruments is a positive development, weaknesses in their implementation mechanisms, low levels of ratification, and insufficient coherence within national policies continue to hinder the full realization of the right to education.

On this basis, the author emphasizes that the international legal foundations of the right to education must be considered not only at the normative level, but also in conjunction with systems of monitoring, interpretation, and accountability. The study concludes that, in order to ensure the effective realization of the right to education, states must harmonize international standards with national legislation and policies and introduce practical, sustainable, and results-oriented mechanisms. At the same time, the right to education should not be treated as a merely declarative norm, but rather as a dynamic and context-dependent right grounded in the principles of human dignity, equality, and justice.

The author further analyzes normative discrepancies between international and regional instruments, their differing legal force, and challenges related to their practical application, thereby substantiating the need for legal harmonization. It is demonstrated that general conventions, such as the International Covenant on Economic, Social and Cultural Rights, establish the core principles of the right to education, while specialized conventions (CEDAW, CRC, CRPD) deepen the content of this right in the context of vulnerable groups. UNESCO declarations, Sustainable Development Goal 4, and the Incheon Framework reveal the global strategic importance of the right to education.

In the second paragraph, entitled "*International mechanisms for ensuring the human right to education*" the author provides an in-depth analysis of the systemic and complex nature of international mechanisms for ensuring the right to education. The section evaluates treaty-based and non-treaty mechanisms at both international and regional levels, including, in particular, the activities of the UN treaty bodies such as the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of Persons with Disabilities, as well as specialized organizations such as UNESCO, UNICEF, and the International Labour Organization (ILO), the institution of Special Rapporteurs, and the work of the Human Rights Council.

The author demonstrates, from a scholarly perspective, that these mechanisms do not constitute merely declaratory or theoretical frameworks, but rather function as practical instruments for assessing and encouraging states' compliance with their international obligations in real-life contexts. Through normative instruments (declarations, conventions, and general comments) and monitoring institutions (state reporting procedures, concluding observations, and thematic reports), the study illustrates using concrete examples the role played by international mechanisms in translating the right to education into national policy.

Particular attention is paid to the experience of Uzbekistan, highlighting how recommendations issued by the above-mentioned committees have influenced domestic reforms.

The author emphasizes that the work of these committees is not limited to the consideration of periodic reports, but also includes the development of General Comments, the adoption of concluding observations, and the examination of individual communications, all of which contribute to the formation of universal approaches to the right to education and their guidance for national implementation. Uzbekistan's experience of cooperation with these committees particularly the focus of their recommendations on expanding access to education for rural communities, children with disabilities, women, and children illustrates a practical approach to integrating international standards into national policy.

Through this extensive analysis, the author substantiates the indispensable role of non-treaty (charter-based) mechanisms in promoting, protecting, and ensuring the realization of the right to education at the international level. Initiatives undertaken by the UN General Assembly, ECOSOC, the Human Rights Council, the Office of the High Commissioner for Human Rights, Special Rapporteurs, and specialized agencies such as UNESCO, UNICEF, UN Women, the ILO, and the World Health Organization (WHO) exert normative, strategic, and technical influence on states' education policies and practices.

The author places particular emphasis on the practical effectiveness of the Universal Periodic Review (UPR) mechanism, the institution of Special Rapporteurs, and thematic declarations within the contemporary international legal environment. Although these mechanisms are not legally binding, they operate as powerful political and moral pressure tools that stimulate compliance with legal norms. Drawing on Uzbekistan's experience, recommendations aimed at expanding access to education for girls, children with disabilities, rural populations, and socially vulnerable groups demonstrate the concrete practical impact of these mechanisms.

In conclusion, the author argues that international and regional mechanisms for ensuring the right to education particularly treaty-based and non-treaty (charter-based) institutions can yield tangible results only when they operate in legal, political, and institutional synergy.

In the third section of this chapter, entitled "*Comparative legal analysis of foreign countries practices in ensuring the human right to education*," the author examines how the right to education is guaranteed in different ways in international practice through legal systems, constitutional provisions, and education codes.

By analyzing the experience of developed countries, the author emphasizes that the effective realization of the right to education in each country is based on an approach tailored to its specific political, economic, and cultural context, while remaining firmly grounded in human rights principles. In particular, the analysis highlights: Finland's system, which places student well-being at the center and is

characterized by freedom and the absence of excessive pressure; Germany's vocationally oriented dual system based on cooperation between the state and industry; Canada's integration of inclusiveness and diversity through legal and technological frameworks; France's guarantee of equality based on the principles of secularism and the rule of law; and South Korea's achievement of high educational outcomes through the integration of digital technologies into education.

Although each country has developed its own model shaped by historical, cultural, and political contexts, the author argues that adapting these experiences to the conditions of Uzbekistan should not involve their direct transplantation, but rather the careful development of a hybrid model.

The third chapter of the dissertation, entitled "**Improving the organizational and legal foundations for ensuring the human right to education in new Uzbekistan**" is devoted to an in-depth examination of national mechanisms for ensuring the right to education. This chapter primarily analyzes directions for improving and systematizing national legislation aimed at guaranteeing this right. It also addresses the strengthening of the institutional and organizational foundations of the right to education, as well as the role of state policy and governance mechanisms. Particular attention is given to the practical realization of the right to education for socially vulnerable groups, including persons with disabilities, women, rural populations, low-income families, and other disadvantaged groups.

In the first paragraph of this chapter, entitled "*Systematization of national legislation in the field of ensuring the human right to education*" the author substantiates the necessity of improving national legislation governing the right to education.

The dissertation provides a thorough analysis of the current state of national legislation in Uzbekistan related to ensuring the right to education, identifies existing problems, and proposes ways to address them. It is noted that the new edition of the Constitution enshrines the right to education as a fundamental right, and that the institutional, legal, and policy foundations of the national mechanism have been established through the Laws "On Education," "On Preschool Education," "On Science and Scientific Activity," and relevant development concepts. At the same time, the study demonstrates that inconsistencies in subordinate legislation, normative contradictions, and the predominance of lower-level regulatory rule-making continue to hinder the full realization of the right to education.

To address these challenges, the author proposes the adoption of a unified Education Code. The results of the sociological survey conducted within the framework of this *research, involving 2,100 respondents*, clearly demonstrate the necessity of improving the legal framework in the field of education. According to the findings, 93% of respondents indicated that there are contradictions between various laws and regulations, while 75% stated that the existing legal basis is

insufficient to effectively ensure the right to education in practice. Moreover, 90.47% of respondents supported the adoption of a unified "Education Code."

According to the author, this Code would provide unified and coherent regulation of educational relations at all levels, ensure legal stability, guarantee citizens' right to education, and facilitate alignment with international standards.

The second paragraph of this chapter, entitled "*Improving the national mechanism for ensuring the human right to education*" provides a systematic analysis of the legal, institutional, and policy foundations of the national mechanism for ensuring the right to education in the Republic of Uzbekistan and scientifically substantiates the need for its further improvement.

The dissertation also highlights the need to align the national education system with post-pandemic realities and the requirements of digital technologies, to ensure equitable territorial distribution of educational resources. Coordinated cooperation among the Ministry of Education, regional authorities, the Ombudsman, civil society organizations, and international institutions is identified as a key factor in this process.

Through an analysis of the National Action Plans for 2022–2026, 2023–2025, and 2024–2027, developed on the basis of periodic reports submitted by Uzbekistan to international organizations, the dissertation assesses the integration of international obligations into national policy as an effective tool for ensuring the right to education. While these action plans establish specific measures related to inclusiveness, gender equality, infrastructure development, pedagogical capacity, and the equitable distribution of resources across regions, the study emphasizes that their full implementation requires legal stability, political will, and institutional coherence.

In the third paragraph of this chapter, entitled "*Ensuring the human right to education of socially vulnerable groups in new Uzbekistan*" the author conducts an in-depth examination of the political, legal, and practical measures undertaken in Uzbekistan to ensure the right to education of socially vulnerable groups, including women, children, persons with disabilities, low-income families, and other disadvantaged populations. In particular, targeted programs such as the "Women's Register," "Youth Register," and "Iron Register," along with education-related legislation, are scientifically analyzed as mechanisms that expand educational opportunities for these groups.

The author places particular emphasis on the role of inclusive education, interpreting it not only as a means of guaranteeing the right to education for persons with disabilities, but also as an instrument for ensuring their full integration into society.

Based on the conducted research, the author concludes that the full realization of the right to education for socially vulnerable groups can be achieved through the integrated application of state policy, legal mechanisms, international experience, cooperation between society and the private sector, as well as innovative and inclusive approaches.

CONCLUSION

As a result of the research conducted on the topic “Ensuring the Right to Education: International and National Experience,” the following scientific conclusions, proposals, and recommendations have been developed:

I. Scientific and theoretical conclusions:

1. Authorial and contemporary definitions have been formulated for the concepts “right to education,” “ensuring the right to education,” “right to primary education,” “right to secondary education,” “right to higher education,” “right of women and girls to education,” “right of migrants to education,” “right of prisoners to education,” “right of persons with disabilities to education,” “right of children to education,” and “right to upbringing.” Their incorporation into national legislation has been theoretically substantiated.

right to education - a fundamental constitutional social right, recognized by international and national legal norms, guaranteeing every person, from birth and throughout their life, regardless of nationality, gender, language, religion, race, ethnicity, social origin, health status, or socio-economic conditions, the opportunity to freely and without discrimination access quality, equal, continuous, available, accessible, acceptable, flexible and open educational services;

right of women and girls to education - a fundamental human right ensuring that women and girls enjoy equal access to all levels of education, free from discrimination. This right seeks to guarantee their access to quality learning, professional development, gender equality, socio-economic empowerment, and full participation in society;

right of migrants to education - a fundamental right guaranteeing equal and unhindered access to education regardless of a migrant’s nationality, legal status, or country of origin. It ensures integration, removal of linguistic or legal barriers, and access to quality learning opportunities;

right of prisoners to education - a basic right ensuring that all persons deprived of liberty retain the opportunity to access education. This includes literacy training, vocational education, higher education, and other learning programs aimed at rehabilitation, reintegration, and reducing recidivism;

right of persons with disabilities to education - a fundamental right guaranteeing access to inclusive, quality education regardless of physical, intellectual, or sensory impairments;

right of children to education - a fundamental human right ensuring that every child, irrespective of race, gender, nationality, or social background, has access to free, high-quality education. It supports children’s intellectual, social, and personal development and aims to help them become productive members of society.

2. Tomasevski's universal 4A framework (availability, accessibility, acceptability, adaptability) has been harmonized with the national legal system. The study analyzes its application in Uzbekistan and proposes the conceptual development of a national hybrid model.

3. The catalytic role of the right to education has been theoretically justified. Its realization enables the fulfilment of all other social, economic, and political rights, thereby defining its epistemological primacy within the human rights system.

4. The study provides comprehensive theoretical evaluation of international legal mechanisms ensuring the right to education. The roles of UN treaty bodies, UNESCO, UNICEF, and other international institutions in monitoring, interpretation, recommendation, and supervisory processes have been conceptually grounded.

5. Using comparative analysis of the education systems of Finland, Germany, Canada, France, and South Korea, the research establishes the theoretical–methodological foundations for constructing an integrated hybrid model adapted to the context of Uzbekistan.

II. Proposals aimed at improving national legislation

1. The coherence and systematic nature of national legislation constitute a key guarantee of the right to education. Uzbekistan is taking significant steps to align its education system with international standards, strengthen constitutional guarantees, and integrate international instruments into national legislation. However, existing inconsistencies between laws and subordinate normative legal acts, as well as the lack of sufficient coherence in higher education regulations, necessitate the adoption of comprehensive legislation, in particular an Education Code.

2. It is proposed to introduce a new article into the Law "On Education" with the following content: "In every educational institution, a representative body of learners the Student Council shall be established. The Student Council shall participate in the discussion of key issues related to the activities of the educational institution, including internal regulations, academic workload, assessment criteria, disciplinary procedures, and development strategies. The head of the educational institution shall be obliged to provide an official response to proposals submitted by the Student Council."

3. It is proposed to revise Article 47, paragraph 6 of the Law "On Education" as follows: "An educational institution shall be obliged to ensure the psychological well-being and mental safety of learners. The institution shall carry out systematic activities aimed at preventing pressure, online harassment, violence, and discrimination, identifying cases of stress and anxiety, and providing psychological assistance. Psychological services shall operate within the educational institution, anonymous appeals shall be accepted, and, where necessary, measures shall be

taken in cooperation with competent authorities. Compliance with these requirements shall be monitored by the relevant state bodies."

4. In order to expand access to education for persons deprived of liberty and to comprehensively regulate their use of distance education, it is proposed to adopt a separate resolution of the Cabinet of Ministers. This resolution would define the legal, organizational, and technical mechanisms for organizing higher education in a distance-learning format for persons deprived of liberty as an independent normative legal act.

5. It is proposed to abolish the requirement set out in paragraph 49 of the Regulation "On the Procedure for Transfer, Reinstatement, and Expulsion of Students of Higher Education Institutions," approved by Resolution No. 578 of the Cabinet of Ministers of the Republic of Uzbekistan dated 13 September 2025, which provides for the expulsion of a student for missing more than 74 hours of classes during one semester without valid reasons.

6. It is proposed to revise paragraph 11 of the Regulation "On the Procedure for Transfer, Reinstatement, and Expulsion of Students of Higher Education Institutions," approved by Annex 3 to Resolution No. 578 of the Cabinet of Ministers dated 13 September 2025, which currently stipulates that, in order to continue studies from a specific course (semester), the number of differences in general professional and specialization subjects under the rating-based assessment system must not exceed four.

7. Paragraph 28 of the Regulation "On the System for Monitoring and Assessing Students' Knowledge in Higher Education Institutions," approved by the Order of the Minister of Higher and Secondary Specialized Education dated 26 September 2018 and registered by the Ministry of Justice under No. 3069, provides that: "If a student fails to participate in compulsory professional practice without valid reasons, or receives a grade of '2' (unsatisfactory) upon completion of such practice, the student shall be deemed to have academic debt and shall be retained in the same course." It is proposed that this requirement be repealed.

8. The provisions of paragraphs 3 and 17 of the Regulation "On Granting Academic Leave to Students of Higher Education Institutions of the Republic of Uzbekistan," approved by Resolution No. 344 of the Cabinet of Ministers dated 3 June 2021, should be harmonized with one another.

9. It is proposed to amend paragraph 32 of the Regulation "On Postgraduate Education," approved by Annex 2 to Resolution No. 304 of the Cabinet of Ministers dated 22 May 2017, by including childcare leave as one of the grounds for extending the duration of studies in internship-based research training, basic doctoral studies, and doctoral programs.

III. Proposals for improving the organizational foundations for ensuring the right to education

1. In order to align quality management in educational institutions with international standards, it is necessary to introduce an international accreditation system. This includes ensuring the participation of schools and higher education institutions in accreditation programs recognized by organizations such as the European Quality Assurance Register (EQAR) and the European Association for Quality Assurance in Higher Education (ENQA).

2. The introduction of an annual national report on measures taken to ensure the physical and psychological safety of the school environment, the emotional well-being of students, and the prevention of pressure and violence together with the public disclosure of this information will enhance transparency within the education system.

3. To strengthen openness in the education system, it is necessary to introduce an "Open School Data" dashboard. Publishing real-time data on curriculum implementation, budget expenditures, teacher workloads, and safety indicators will reinforce public oversight.

4. In order to ensure the right to education of persons deprived of liberty, a specialized education system should be introduced. The establishment of distance learning centers in penitentiary institutions, the abolition of mandatory in-person attendance requirements for admission to higher education, and the development of specific contractual cooperation mechanisms between higher education institutions and penitentiary facilities will increase the effectiveness of rehabilitation.

5. Based on a "zero tolerance" approach, anti-corruption mechanisms in the education system should be strengthened. The establishment of Academic Integrity Centers within educational institutions, the creation of a dedicated anonymous complaint platform for the education sector, and the full digitalization of selection, examination, and attestation processes will significantly reduce corruption risks.

6. To promote inclusive education, it is necessary to establish Methodological Centers for Inclusion in each region and to make Individual Education Programs (IEPs) mandatory for all students with special educational needs. This mechanism will comprehensively address learners' individual needs.

7. To strengthen psychological services in educational institutions, it is recommended to establish a standard of at least one psychologist per 1,000 students, as well as to introduce a "psychological safety passport" system designed to assess students' mental well-being. This measure will ensure early prevention and a safe educational environment.

8. The purpose of resolving education-related disputes at the pre-litigation stage and ensuring prompt protection of the rights of students and teachers, it is advisable to introduce the institution of a University Ombudsman in higher education institutions. This institution will strengthen mechanisms for impartiality, transparency, and fair dispute resolution.

НАУЧНЫЙ СОВЕТ DSc.26/2025.27.12.Yu/S.01.01 ПО ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ НАЦИОНАЛЬНОМ ЦЕНТРЕ РЕСПУБЛИКИ УЗБЕКИСТАН ПО ПРАВАМ ЧЕЛОВЕКА

НАЦИОНАЛЬНЫЙ ЦЕНТР РЕСПУБЛИКИ УЗБЕКИСТАН ПО ПРАВАМ ЧЕЛОВЕКА

ШАРАПОВ ШУХРАТ ШОКИРОВИЧ

ОБЕСПЕЧЕНИЕ ПРАВА ЧЕЛОВЕКА НА ОБРАЗОВАНИЕ (МЕЖДУНАРОДНЫЙ И НАЦИОНАЛЬНЫЙ ОПЫТ)

12.00.13 – Права человека

АВТОРЕФЕРАТ

диссертации на соискание ученой степени доктора философии (PhD) по юридическим наукам

Ташкент – 2026 год

Тема диссертации на соискание ученой степени доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Академии наук Республики Узбекистан за №B2023.3.PhD/Yu1212

Диссертация выполнена в Национальном центре Республики Узбекистан по правам человека.

Автореферат диссертации размещен на трёх языках (узбекский, английский, русский (резюме)) на веб-сайте Научного совета (http://nhrc.uz/oz/menu/avtoreferat) и Информационно-образовательном портале «Ziyonet» (www.ziyonet.uz).

Научный руководитель:	**Очилов Уткирбек Сайфуллаевич** доктор юридических наук, доцент
Официальные оппоненты:	**Алимов Гайбулла Алимович** доктор юридических наук, доцент
	Мирхамидова Махинпора Нуруллаевна доктор философии по юридическим наукам (PhD), доцент
Ведущая организация:	**Каракалпакский государственный университет имени Бердаха**

Защита диссертации состоится « 7 » июля 2026 года в 15:00 на заседании Научного совета DSc.26/2025.27.12.Yu/S.01.01 при Национальном центре Республики Узбекистан по правам человека (Адрес: 100029, г. Ташкент, улица Ислама Каримова, дом 15. Тел./факс: (99871) 239 40 23; e-mail: info@nhrc.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Национального центра Республики Узбекистан по правам человека (регистрационный номер 13). (Адрес: 100029, г. Ташкент, улица Ислама Каримова, дом 15. Тел./факс: (99871) 239 40 23).

Автореферат диссертации разослан «____» _____ 2026 года.

(Протокол реестра № __ от «__» _____ 2026 года)

М.А. Тиллабаев
Председатель ученого совета по присуждению ученых степеней, доктор юридических наук, профессор

И.Т. Тургунов
И.О. Секретаря Научного совета по Присуждению учёных степеней, доктор юридических наук, доцент

Г. Юлдашева
Председатель Научного семинара при Научном совете по присуждению учёных степеней, доктор юридических наук, профессор

ВВЕДЕНИЕ (аннотация докторской (PhD) диссертации)

Целью исследования является разработка научно обоснованных предложений и рекомендаций, направленных на решение организационно-правовых проблем обеспечения права на образование.

Объектом исследования являются социально-правовые отношения, связанные с организационно-правовыми основами обеспечения права на образование, а также с международными и национальными правовыми механизмами его реализации.

Научная новизна исследования заключается в следующем:

обосновано внесение в законодательство правовых механизмов, направленных на запрет привлечения педагогов к работам, не связанным с их профессиональными обязанностями, как эффективной гарантии обеспечения права на образование;

обосновано совершенствование нормативно-правовых механизмов поддержки научной, инновационной и стартап-деятельности молодёжи как неотъемлемой части права на образование;

научно обоснована необходимость пересмотра реестра действующих нормативных, санитарных и гигиенических правил, а также обеспечения необходимой инфраструктуры с целью создания благоприятных условий для всех обучающихся в системе дошкольного и школьного образования;

обоснована необходимость укрепления нормативно-правовых основ развития современной инфраструктуры для научной и инновационной деятельности как стратегического направления обеспечения права на образование;

обоснована необходимость установления ежегодных основных и дополнительных отпусков по категориям при разработке отпусков для работников образовательных учреждений, не являющихся педагогическими.

Внедрение результатов исследования. Полученные научные результаты по диссертационной работе нашли отражение в следующем:

предложения, направленные на обоснование запрета вмешательства в независимость педагога, необоснованных проверок его деятельности, оказания давления в целях препятствования справедливой и объективной оценке знаний обучающихся, создания искусственных препятствий исполнению служебных обязанностей, а также на обоснование незаконности практики привлечения педагогов к работам, не связанным с профессиональной деятельностью, включая обязательные общественные работы (благоустройство или сельскохозяйственные работы), нашли отражение в части 2 статьи 5 Закона Республики Узбекистан № O‘RQ-901 “О статусе педагога”, принятого 1 февраля 2024 года – во 2-м абзаце в следующей редакции: “вмешательство в профессиональную деятельность педагога, необоснованные проверки его деятельности, оказание воздействия на педагога с целью воспрепятствования правильной и объективной оценке

знаний обучающихся, а также создание препятствий исполнению служебных обязанностей” и в 3-м абзаце в редакции “привлечение педагога к работам, не связанным с профессиональной деятельностью, в том числе к благоустройству территорий и сельскохозяйственным работам” (*Акт о внедрении Законодательной палаты Олий Мажлиса Республики Узбекистан от 19 марта 2024 года № 2/6-09-46*). Данное предложение служит предотвращению необоснованного вмешательства в профессиональную деятельность педагогов, обеспечению их независимости, ограничению давления в процессе справедливой и объективной оценки знаний обучающихся, а также запрету привлечения педагогов к работам, не связанным с профессиональными обязанностями, тем самым гарантируя не только трудовые права учителя, но и право обучающихся на качественное образование;

предложение “Создание благоприятных условий для получения образования” было включено в пункт 22 главы 5 Дорожной карты (приложение 6) по углублению реформ и трансформации системы в сфере дошкольного и школьного образования, утверждённой Указом Президента Республики Узбекистан PF-79 от 26 мая 2023 года, в редакции “Реализация программы ‘Благоприятная образовательная среда’ в системе общего среднего образования” (*Акт о внедрении Министерства дошкольного и школьного образования Республики Узбекистан от 4 ноября 2025 года № 05-20-7499*). Данное предложение способствует повышению эффективности внедрения концепции “благоприятной образовательной среды” в рамках реформ системы Министерства, организации инклюзивного образования в дошкольных учреждениях и школах, созданию условий для всех обучающихся, пересмотру реестра нормативных, санитарных и гигиенических требований и обеспечению необходимой инфраструктуры;

предложения по поддержке инновационной деятельности молодёжи и координации системы содействия стартап-проектам нашли отражение в 7-м подпункте пункта 7 Положения об Агентстве инновационного развития при Министерстве высшего образования, науки и инноваций Республики Узбекистан, утверждённого приложением 2 к постановлению Кабинета Министров от 8 августа 2024 года № 489 (*Акт о внедрении Агентства инновационного развития от 6 ноября 2025 года № 01-05/4494*). Данное предложение служит полному и эффективному обеспечению права на образование посредством поддержки научной и инновационной активности молодёжи и создания условий для их творческого и интеллектуального развития;

предложения по повышению интеллектуального и технологического потенциала регионов и формированию современной инфраструктуры для научной и инновационной деятельности нашли отражение в 8-м подпункте пункта 7 Положения об Агентстве инновационного развития при Министерстве высшего образования, науки и инноваций Республики

Узбекистан, утверждённого приложением 2 к постановлению Кабинета Министров от 8 августа 2024 года № 489 (*Акт о внедрении Агентства инновационного развития от 6 ноября 2025 года № 01-05/4494*). Эти предложения способствуют выводу содержания права на образование на новый качественный уровень за счёт повышения интеллектуального и технологического потенциала регионов, развития современной инфраструктуры для научно-инновационной деятельности и расширения возможностей практической реализации инновационных идей молодёжи;

предложение по установлению отпусков по категориям при разработке ежегодных основных и дополнительных отпусков для работников образовательных учреждений, не являющихся педагогическими, было включено в отраслевое соглашение через: постановление Кабинета Министров от 26 июня 2023 года № 263 “О мерах по установлению норм продолжительности ежегодного удлинённого трудового отпуска педагогических работников”, совместное решение Министерства дошкольного и школьного образования и Республиканского совета профсоюза работников образования и науки от 27 июня 2023 года № 23-qq и 10-7 “s”, а также решение Министерства высшего образования, науки и инноваций и Республиканского совета профсоюза работников образования и науки от 17 июля 2023 года № 24-qq и 10-11 “s” (*Акт о внедрении Республиканского совета профсоюза работников образования и науки от 15 марта 2024 года № 911D-5/86*). Внедрение данных предложений укрепило институциональные гарантии права на образование, сформировало чёткую систему норм для педагогов и работодателей, а также повысило правовую определённость и эффективность управления образованием.

Апробация результатов исследования. Основные результаты исследования и научные выводы были обсуждены на международных и республиканских научно-практических конференциях, в том числе на 5 международных и 2 республиканских научно-практических конференциях.

Публикация результатов исследования. По теме диссертации опубликовано в общей сложности 16 научных работ, в том числе 5 статей в национальных журналах, включённых в перечень ВАК, 4 статьи в международных журналах и 7 статей и тезисов в сборниках материалов научных конференций.

Объем и структура диссертации. Диссертация состоит из введения, трёх глав, заключения, списка использованной литературы, а также приложений. Объем диссертации составляет 150 страниц.

E’LON QILINGAN ISHLAR RO‘YXATI

СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
LIST OF PUBLISHED WORKS

I bo‘lim (I часть; I part)

1. Sharapov Sh. Empowerment through education: Ensuring women rights in Uzbekistan // “Демократлаштириш ва инсон ҳуқуқлари журнали.”- 2024. №2. – B. 69-74. (12.00.05). http://insonhuquqlari.uz/uploads/magazines/1cc0c02f469dd1a713e5f8be6005f59d.pdf

2. Sharapov Sh. Ta’lim olish huquqini amalga oshirishning xalqaro global konvensiyadagi asoslari. // Yurist axborotnomasi – Vestnik yurista – Lawyer herald. – 2024. – №1 – B. 127-135. (12.00.00). https://yuristjournal.uz/index.php/lawyer-herald/issue/view/33

3. Sharapov Sh. Ta’lim olish huquqini amalga oshirishni ta’minlashda xalqaro institutsional mexanizmlar. // O‘zbekiston Milliy agentligi O‘zA ilm-fan bo‘limi elektron jurnali. – 2023. – №12. – B. 88-94. https://uniwork.buxdu.uz/resurs/48363_1_E8BBAAEE0B98999387DC296A04BBD9ADAC7FADB2.pdf

4. Sharapov Sh. Ta’lim olish huquqi tushunchasining xalqaro-huquqiy hujjarlarda aks etishi // O‘zbekiston Milliy agentligi O‘zA ilm-fan bo‘limi elektron jurnali. – 2023. – №10. – B. 72-23. https://uniwork.buxdu.uz/resurs/48363_1_C97D1D6D28995EB3805B434F374FF51AB30913EB.pdf

5. Sharapov Sh. Ta’lim olish huquqining asosiy ta’riflari. // Yurist axborotnomasi – Vestnik yurista – Lawyer herald. – 2023. – №5. – B. 96-103. (12.00.00). https://www.yuristjournal.uz/index.php/lawyer-herald/issue/view/30.

6. Sharapov Sh. Ensuring the right to higher education: A general overview. // Annals of Justice and Humanity (AJH). ISSN: 3090-725X, Vol 4, No 2, 2025, 203-213 (Index Crossref). https://goodwoodpub.com/index.php/ajh/issue/view/219

7. Sharapov Sh. Is Education a Right or an Obligation. // “International Journal of Interdisciplinary Research.” – 2025. – №6. – B. 1059-1063 (Index Copernicus, Crossref). https://shreedadueducational.com/journal/volumes-result/?re=Volume%206%20Issue%202%20March%20-%20April%202025

8. Sharapov Sh. Strengthening the Right to Education in International Conventions on Human Rights // Journal of intellectual property and human rights – 2023. – V2. – P. 109-115. (impact factor: sjif:7.6.) https://journals.academiczones.net/index.php/jiphr/article/view/1556/1349

9. Sharapov Sh. Ekologik muammolar: O‘zgaruvchan dunyoda inson huquqlari va ta’lim olish huquqining kelajagi, barqaror yechimlar topish // Ekologik muammolar: O‘zgaruvchan dunyoda inson huquqlari kelajagi, barqaror yechimlar toppish. Inson huquqlari bo‘yicha IV Samarqand Forumi ishtirokchilarining ma’ruza va maqolalar to‘plami (2024 yil 13-14 iyun, Samarqand sh.). Mas’ul muharrir A.X.Saidov. – Toshkent: Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazi, 2025. – B. 177-181. (O‘R

OAK Rayosatining 2024-yil 3-iyuldagi 357/5-sonli qarori). insonhuquqlari.uz/uploads/compilations/92fe6bb589fcef4aa3a0fe31082d0d05.pdf

II bo‘lim (II часть; II part)

1. Sharapov Sh. “Uzluksiz ta’lim jarayoni subyektlarida huquqbuzarliklarga nisbatan immunitetni shakllantirish strategiyalari va ularning ta’lim olish huquqini ta’minlashdagi o‘rni”. Republican scientific and practical forum “strategies for the formation of immunity to offenses in subjects of the continuous educational process”, Toshkent: QNTPMI, 2025. –B 189-191. https://ilmiyanjumanlar.uz/uploads/conferences/00126/126_i_20251112_202221_3%20(19).pdf

2 Sharapov Sh. Xalqaro huquqning dolzarb muammolari // Sun’iy intellekt va raqamli texnologiyalar sharoitida ta’lim olish huquqining xalqaro himoyasi. T.: JIDU, 2025. –B.199-204. https://uniwork.buxdu.uz/resurs/48363_1_A165E2F13D3662017F2CC5B976C988E5DA4642E1.pdf

3. Sharapov Sh. Protection of human rights and the rights to education: modern challenges and scientific initiatives // Inson huquqlari himoyasini ta’minlash zamonaviy chaqiriq va ilmiy tashabbuslar. T.: TDYU, 2025. –B.355-362. https://uniwork.buxdu.uz/resurs/48363_1_47BBA1A0580A8B9F0021CD72E01A9B4FF5871EE4.pdf

4. Sharapov Sh. Ensuring gender equality in Uzbekistan: Current challenges and future directions in women educational rights // O‘zbekistonda gender tengligini ta’minlashning dolzarb masalalari: joriy holat va istiqboldagi vazifalar. T.: JIDU, 2024. –B.340-347. https://uniwork.buxdu.uz/resurs/48363_1_42D54F43B50FD2A2915A0B72CB66676A38AA0455.pdf

5. Sharapov Sh. The right to education as a means of developing a lifelong Education system: international experience // Zamonaviy sharoitda oliy ta’lim Pedagogikasi: nazariya va Amaliyot integratsiyasi Xalqaro ilmiy-nazariy anjuman materiallari. B.: BuxDU, 2024. –B.58-61. https://uniwork.buxdu.uz/resurs/13001_1_EB42824A3373127C1E34DBB65DF3551D512C1E03.pdf

6. Sharapov Sh. Ta’lim olish huquqi O‘zbekistonda umrbod ta’lim tizimini rivojlantirish vositasi sifatida // Zamonaviy sharoitda Oliy ta’lim Pedagogikasi: nazariya va Amaliyot integratsiyasi. Xalqaro ilmiy-nazariy anjuman materiallari. B.: BuxDU, 2024. –B.65-67. https://uniwork.buxdu.uz/resurs/29996_1_328FA88A9DA4C46C8FFD4442BBB4C31879A06923.pdf

7. Sharapov Sh. Maktabgacha ta’limning rivojlanish strategik asoslari // Maktabgacha ta’limning rivojlanish strategiyalari mavzusidagi Xalqaro ilmiy-amaliy anjuman materiallari. – N.:NDPI, 2024. – B.306-308. https://uniwork.buxdu.uz/resurs/48363_1_3EB2913932E6BBDAED3A0185505C78EA6518F75A.pdf

Avtoreferat “Demokratlashtirish va inson huquqlari” jurnali
tahririyatida tahrirdan o‘tkazilib, o‘zbek, ingliz va rus tillaridagi matnlar o‘zaro
muvofiqlashtirildi.

Bosishga ruxsat etildi: _____
Bichimi: 60x84 1/8 “Times New Roman”
garniturada raqamli bosma usulda bosildi.
Shartli bosma tabog‘i 2,75. Adadi: 100. Buyurtma: №___.