

UZBEKISTAN'S LAW ON EDUCATION (1997): A REVIEW AND SUGGESTIONS FOR REVISION



UZBEKISTAN'S LAW ON EDUCATION (1997): A REVIEW AND SUGGESTIONS FOR REVISION

2018

This review was prepared by Deepa Sankar, Chief of Education, UNICEF Uzbekistan

Contents

1. Introduction	7
2. Why revision of Law on Education now?.....	8
3. Steps involved in Policy/Law making and its revision	9
4. International provisions for Law on Education	11
5. Conceptual Framework for review of the Law	12
6. Review of Uzbekistan’s Law on Education (1997) provisions using the three conceptual frameworks.....	18
7. Review of the Law on Education (1997) by articles	31
8. Overall Analysis	45
9. Key Suggestions/ recommendations for revising the Law on Education	48
Conclusion.....	51
References	52

1. Introduction

Development Strategy 2017-2021 of the Government of Uzbekistan (February 2017) has accorded high priority to the development of social spheres, and within that, education has a prominent place. The Development Strategy prioritizes “maintenance of the policies aimed at further improving the system of continuous education, increasing access to quality education, training of qualified personnel in accordance with the demand of the labor market”. The Government of Uzbekistan (GOU)’s decision to review and revise the existing “Law on Education” (1997) is an opportunity to revise the legal base to reflect the transformative reforms proposed in the education sector in the country.

This paper is a critical review of the “Law on Education” (1997) of the Government of Uzbekistan from two important perspectives: first and foremost, the paper reviews the Law from the standpoint of child rights. This is followed by an analysis of the Law from “knowledge-based economy” perspective. While the former approach is concerned about early childhood education and school education, the latter is relevant to post-secondary education, and most importantly, to higher education.

This paper consolidates the main technical inputs provided by the author to facilitate the revision of the law on education to the Government of Uzbekistan as part of the UNICEF-Government of Uzbekistan joint work programme in the education sector, initially to the Ministry of Public Education (MOPE), mainly during November 2017- March 2018 and subsequently to the State Inspection on the Supervision of Education Quality under the Cabinet of Ministers during the period April-June 2018.

Objectives

UNICEF’s technical support to MOPE and State Inspection for Supervision of Education Quality under the Cabinet of Ministers was aimed at:

- providing a detailed critical review of the Law on Education, particularly, assessing the position of right to education in the legal provision;
- Evaluate the Law on its compatibility with international human rights instruments;
- Identify the gaps or limitations of the Law in reflecting the new goals and aspirations of the education systems; and
- Provide suggestions/recommendations for revising the existing Law to ensure better alignment of national legislations and policies with international standards and provisions.

The review consisted of the following processes:

- A thorough review of international and regional human rights instruments;
- Analysis of several frameworks generated for the realization of children’s right to education and rights within education;
- Review of the Laws /Acts on education of several countries with a view to identify international best practices for specific provisions; and
- A series of consultative meetings and workshops/round-tables

The paper is organized into the following sections: the next section provides a detailed description of the country and sector context in which the government has taken the decision to revise the law on education. A brief description of the steps involved in policy/law making or revising is provided in the next section. The fourth section gives some details about international provisions/conventions on education which provides a basis for various rights-based conceptual frameworks developed by international institutions for realizing children’s *right to education and rights within education*, which is described in the fifth section. In the next section, a critical review of the country’s current Law on Education (1997) is taken up based on these frameworks and this is followed by a review of the Law on Education, taking up each article. The last two sections provide an analysis of gaps and recommendations /suggestions to improve the Law on Education in the current country and sector context, to make them more relevant and aligned to international agreements.

2. Why revision of Law on Education now?

The decision to revise the existing Law on Education was hastened for a variety of reasons, the most important ones are described below.

- **The need for updating and consolidating existing fragmented decrees and legal covenants into a unified Law:** The existing Law on Education was adopted by the Government of Uzbekistan in 1997 and was mainly adapted from the Law that it inherited from the Soviet Systems. Till then, the education system of Uzbekistan since the collapse of the Soviet Union was governed by Article 41 of the Constitution (adopted on December 8, 1992). The Law of the Republic of Uzbekistan “On Education” of 1997 had gone through only minor revisions in 2007. The country has since then introduced various reforms and provisions in education sector through various decrees and resolutions. It was important that the Law is revised to provide an “umbrella” for consolidating the all these additional and fragmented legal provisions and covenants.
- **To address the inadequacies in the existing Law:** A consolidated Law on Education that addresses all modern requirements of the sector is also needed to move towards a more integrated, life-cycle approach towards education and for providing legal provisions for updating norms and standards that are contemporary for education. A review of the law is important to revisit State obligations to education sector and to elaborate the delegation and decentralization of education functions.
- **Incorporating the revision of compulsory education years:** Government of Uzbekistan has now expanded general secondary education from 9 years to 11 years. In the previous system, general secondary education included 9 years of schools and 3 years of colleges/lyceums. Thus, compulsory secondary years have in fact has reduced from 12 years to 11 years.
- **Incorporating the new national priorities:** As described in the introduction, the Uzbekistan Development Strategy for 2017-21 has identified education as one of areas of social sectors that is important to trigger the much-needed growth for the country's economy. To support the transformation of education sector, the legal framework needs to be reformed.
- **Reflecting country's commitment to international priorities and treaties:** Uzbekistan is a signatory to various international treaties related to education provision, including the 1960 UNESCO Convention against Discrimination in Education, Conventions of the Rights of Child etc. Ratifying these international treaties means that the country has committed to following the provisions of the treaties and it is important to make education law reflect the principles and provisions of these treaties. In addition, the UN-Sustainable Development Goals (SDG) related to Education (Goal 4) now emphasizes international education community's commitment to expand its goals from “education for all”, which focused on enrollments and school completion, to focus on “learning for all”. The education SDGs also have a holistic perspective on education provision and results. As Uzbekistan is committed to UN-SDGs, it is important to provide a legal basis for targeting to achieve SDG related goals.
- **Re-affirm Country's commitment to a “Rights-based Approach” to education:** In spite of the Education for All (EFA) movement and World Education Conferences in Jomtein and Dakar in 1990 and 2000 respectively, education was only treated as a “welfare” programme and the rights of the children for education were not taken into account in its spirit and action. It is important to ensure that the Law on Education reflects a rights-based approach to education. This can be determined only by a review of the existing Law.

3. Steps involved in Policy/Law making and its revision

Laws and acts related to education are integral components of education policies in any country. Education policies often consists of government’s principles and strategies in the area of education as well as the collection of laws and rules that govern the operation of education systems. Education policy is an intent whereas Law is legal guarantee and hence enforceable. Historically, education law and policies have addressed issues related to expansion of access to education, facilitating the provision of quality education etc. However, education policies (and hence laws on education) have expanded to address issues such as students’ rights, teachers’ rights, discrimination and inclusion, curriculum and education options. A distinction of policy and law is outlined in the table below:

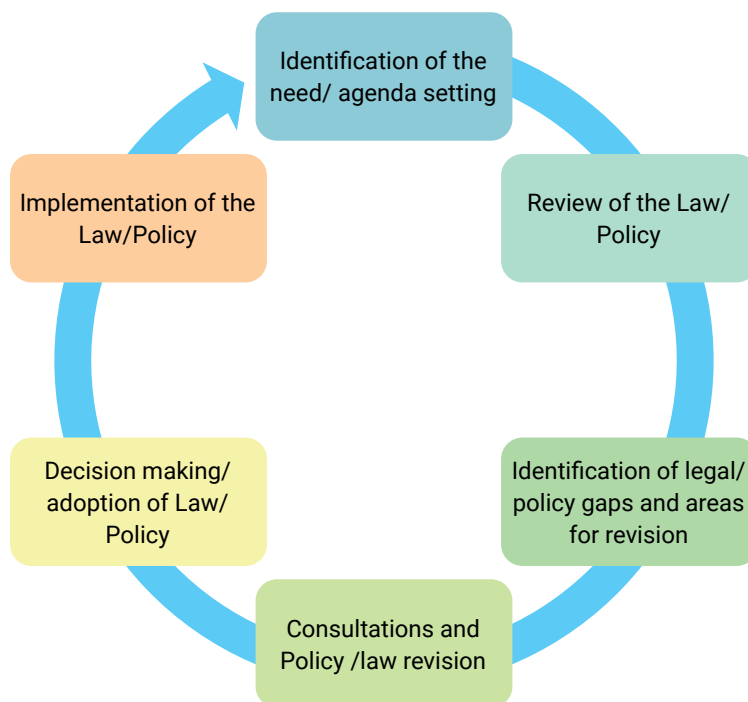
Policy and Law: How they compare?	
Policy	Law
Policy outlines what a government hopes to achieve and the method and principles for the same. States the goals of a Government	Law is the framework passed by legislature for implementation. It is a system of rules and guidelines that are derived for welfare and justice in society.
Statement/document of what is intended to be done	Laws are enforceable in which the policies comply
Policy is the beginning that ends at a law – or Policy paves the way for law	Law is the end point or culmination of policy
Policy aims at achieving certain goals; No punishment for violations	Law aims at bringing justice to the policy; or law is enforceable with punishment for violations
Informal in nature	Formal in nature
Policies have goals	Laws have justiciability

A revision of any law/policy involves several stages, and the starting points being identifying the needs and gaps through a review of the existing legal and policy documents as well as country’s socio-economic and political priorities.

Stage 1: Identification of need: As in the case of Uzbekistan, the process of reviewing and revising the law starts with the identification of a need arising out of national or international priorities or requirements. This paper has already identified the context and needs in section 2. With the identification of need for legal revision, the policy making authority sets an agenda to review and revise the law/policy within a stipulated time.

State 2: Review of the existing law/policy: Once the agenda for a review and revision of the policy is set, the next stage is to carry out a meticulous review of the existing law/policy. In the case of education, this involves: (a) assessing the status of the right to education at country level and its compatibility with international and regional human rights instruments; (b) identifying gaps in education norms and policies; and (c) making recommendations for the full alignment of national constitutions, legislations and policies with international standards and provisions. The review of existing law/policy should be done not only in the country context, but also in a wider context of review of laws of other countries and international treaties to which the country is a signatory. In fact, the international treaties and the normative framework they offer could be taken as a benchmark for reviewing the law/policies in education.

Chart: Revision of Law/Policy: Steps involved



Stage 3: Identification of gaps and areas for revision: The review of existing laws/policies is expected to lead not only to the identification of limitations in policies, but also zeroing in on the areas for providing or strengthening legal provisions.

Stage 4: Formulating new legal provisions or revising existing provisions: Decisions on the areas for legal strengthening or new provisions should be made based on high level consultations that include subject and legal experts.

Stage 5: Adoption of the revised/new law/policy: Once the new law/policy is formulated or revised, it is important that these new law/policy is discussed by the legislative arm of the government and approve the same to make the act into a law.

Stage 6: Implementation and justice: Once the law is approved by the government, the executive arm of the government is expected to implement and the judicial arm is expected to ensure the justiciability for the law.

Periodically, all laws and policies must go through these cycles to ensure that the rights of people are ensured and protected. This paper mainly elaborates a review of the Law on Education (and not a review of the entire gamut of policies).

4. International provisions for Law on Education

Education laws and policies could be either analyzed from the perspective of merely a welfare provision on the one hand and as a right on the other. The former focuses on the provisions while the later looks at education as an entitlement of citizens. Education is recognized universally as a fundamental human right since the Universal Declaration of Human Rights adopted in 1948. As per the Vienna Declaration and Programme of Action (1993), all human rights are universal, indivisible, interdependent and interrelated. The Universal Declaration of Human Rights in Article 26 proclaims that “everyone has the right to education”. Since then, the right to education has been asserted in numerous international normative instruments elaborated by the UN. The international human rights documents of varying nature, including agreements, charters, protocols, treaties, recommendations, conventions and declarations have provided a normative framework that is instrumental in any review of education policies and legal frameworks. The right to education has been elaborated in the UN instruments such as International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Rights of the Child (CRC, 1989), and the UNESCO Convention against Discrimination in Education (1960). The right to education has also been enshrined in various treaties that address issues related to specific groups (such as women and girls, persons with disabilities, migrants, refugees, indigenous people etc.). Right to education is also asserted in numerous regional treaties and national constitutions.

Why a rights-based approach to the Review of the law on education in Uzbekistan? The Government of Uzbekistan has ratified several international treaties and hence have obligations to ensure educational rights of its people. Ratification is an initial step towards a government making meaningful changes to their education system. In many cases, the ratification of treaty is only used as a guiding principle for enacting national legislation. It is in this context that this review of the Law on Education is set in the context of a rights-based approach.

Treaty	Status	Date
The 1960 UNESCO Convention Against Discrimination in Education	Ratified	8 December, 1997
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Ratified	28 September 1995
International Covenant on Civil and Political Rights (ICCPR)	Ratified	28 September 1995
Convention on the Rights of the Child (CRC)	Ratified	29 June 1994
Convention on the Elimination of All forms of Discrimination against Women	Accessed	19 July 1995
Convention on the Rights of Persons with Disabilities	Signed, but not ratified	27 February 2009
International Convention on the Elimination of all Forms of Racial Discrimination	Ratified	1995
ILO's Minimum Age Convention No.136	Ratified	6 March 2009
ILO's Worst Forms of Child Labour Convention No. 182	Ratified	24 June 2008

Source: websites related to each of the treaty

5. Conceptual Framework for review of the Law

For the analysis of the Law on Education in Uzbekistan, this paper uses a combination of various approaches, including the UNICEF-UNESCO conceptual framework on rights-based approach to education, Tomasevski (2001, and 2004)'s 4A's scheme and ActionAid's approach using "Promoting Rights in schools- Right to Education project". The conceptual frameworks available from these various approaches are presented here first. These conceptual frameworks can also be used while revising the Law, to identify how to improve current provisions.

a. The UNICEF-UNESCO (2007) framework

The UNICEF- UNESCO (2007) provides a conceptual framework for the rights-based approach to education that embodies three interlinked and interdependent dimensions¹. This include: (a) the right of access to education; (b) the right to quality education; and (c) the right to respect within the learning environment. The central elements of each of the three dimensions are provided below.

UNICEF-UNESCO (2007) Conceptual Framework on Rights-based approach to education	
Dimensions	Elements
The Right of Access to Education	<ul style="list-style-type: none"> • Education throughout all stages of childhood and beyond • Availability and Accessibility of Education • Equality of Opportunity
The Right to Quality Education	<ul style="list-style-type: none"> • A broad, relevant and inclusive curriculum • Rights-based learning and assessment • Child-friendly, safe and healthy environment
The Right to Respect in the learning environment	<ul style="list-style-type: none"> • Respect for Identity • Respect for participation rights • Respect for integrity

The right of access to education: the right of every child to education on the basis of equality of opportunity and without discrimination on any grounds. To achieve this goal, education must be available for, accessible to and inclusive of all children.

The right to quality education: the right of every child to a quality education that enables him or her to fulfil his or her potential, realize opportunities for employment and develop life skills. To achieve this goal, education needs to be child-centred, relevant and embrace a broad curriculum, and be appropriately resourced and monitored.

The right to respect within the learning environment: the right of every child to respect for her or his inherent dignity and to have her or his universal human rights respected within the education system. To achieve this goal, education must be provided in a way that is consistent with human rights, including equal respect for every child, opportunities for meaningful participation, freedom from all forms of violence, and respect for language, culture and religion. The UNICEF-UNESCO Conceptual framework highlights the need for a holistic approach to education, reflecting the universality and indivisibility of all human rights. The right of access to education comprises three elements: the provision of education throughout all stages of childhood and beyond, consistent with the "Education for All" goals, the provision of sufficient, accessible school places or learning

¹ This section is drawn from UNICEF-UNESCO (2007): "A Human Rights Based Approach for Education for All"

opportunities; and equality of opportunity. The right to quality education demands attention to the content of the curriculum, the nature of the teaching and the quality of learning environment. The right to respect in the learning environment suggests that the right to education must be understood as incorporating respect for children's identity, their right to express their views on all matters of concerns to them, and their physical and personal integrity (UNICEF-UNESCO, 2007).

b. Tomasevski's 4A's Scheme

Katarina Tomasevski, the first UN Special Rapporteur on the right to education, had come up with a 4A's Scheme for analyzing education policies which were later adopted by the Committee on Economic, Social and Cultural Rights in its General Comment 13 on the right to education (1999, para.6). Tomasevski (2001² and 2004³) provides a conceptual framework that elaborates education rights from the point of view of students' entitlements as well as another framework that summarizes governmental legal obligations under various international treaties. The individual rights to education and government obligations to provide education is summarized in a four-fold scheme by Tomasevski: to make education Available, Accessible, Acceptable and Adaptable – in short, they are represented as the "4A's".

Availability:

In Tomasevski's classification, availability encompasses three different types of rights to education: education as a civil/ political right; education as a social and economic right; and education as a cultural right. Civil and political rights to education is related to government's permission to establish schools; the social and economic rights requires government to ensure that free and compulsory education is available to all school-age children and education as a cultural right refers to respect to diversity and rights of minorities and indigenous people towards establishing education institutions and availing education of their choice.

Key international treaties, including the Universal Declaration of Human Rights and the CRC reiterates the importance of providing free and compulsory education at least at the primary stage of education. Taking in to consideration varying country contexts, these international treaties provide countries to realize their Government's commitment to free and compulsory education in a progressive manner.

Accessibility:

Accessibility in 4A's scheme means equity and fairness in education. It refers to a child/individual's right to have non-discriminatory treatment in all aspects of availing education. This means that the government has an obligation to ensure that all kinds of discriminations are eliminated. The first step in this direction is providing a legal basis for prohibiting any discrimination in education. However, this does not mean that all stages of education will be given equal priority. As Tomasevski (2004) has outlined, free and compulsory education stage and age groups in that range should be a priority for government in ensuring gender, social, locational and other inequities. The provision of rights-to-education of these children is non-negotiable and government should ensure all possible ways to ensure this. However, in many countries, elimination of many forms of discrimination is affected by outdated laws and understanding of the issue. Children with disabilities are one such example.

Acceptability:

Acceptability as a major area of education rights emphasizes non-compromise on the quality of education a child is entitled or the education that the government is obliged to provide. This means that not just education, but education of acceptability quality and inclusiveness is important. This also means respect for diversity (including language of instruction, education contents etc.) and individual child's dignity (discipline and abolition

2 Tomasevski (2001): Human rights obligations: making education available, accessible, acceptable and adaptable. Right to education primers no. 3, Swedish International Development Cooperation Agency.

3 Tomasevski (2004): Manual on Rights-Based Education: Global Human Rights Requirements made Simple. UNESCO Bangkok.

of corporal punishments) and providing children with relevant learning experiences without compromising on quality. As Tomasevski (2004) outlined, “acceptable standards of education are essential for achieving equality of access and elimination of discrimination in schools, as well as for establishing an environment within which every child can be offered the chance to develop to his or her own full potential.”

Adaptability:

Adaptability advocates for making education more contextual and addressing the specific needs and contexts.

From an individual/child’s perspective, rights-based approach under the 4A’s include three main components: Right **to** Education (RTE); Rights **in** Education (RIE) and Rights **through** Education. The **Right to Education** approach mainly explores the availability and accessibility of education and removal of barriers to education. The **Rights in Education** addresses acceptability related aspects, for those who have already availed an accessible education system. The **Rights through Education** mainly looks at other child/individual rights ensured through right to education or facilitating right to education.

Tomasevski’s framework is summarized below.

Tomasevski's 4A's to Core human rights obligations in education

Right	4A's	General Description of obligations	Government's Obligations	Area	Nature of obligations
Right to Education	Availability	<ul style="list-style-type: none"> Ensure compulsory and free education for all children in the country within a determined age range, up to at least the minimum age of employment. Respect parental freedom to choose education for their children, observing the principle of the best interests of the child. 	<ul style="list-style-type: none"> Fiscal allocations matching human rights obligations Adequate number of Schools for children (number, diversity) Teachers (education & training, recruitment, labour rights etc.) 	Schools	<ul style="list-style-type: none"> Establishment/closure of schools Freedom to establish schools Funding for public schools Public funding for private schools
	Accessibility	<ul style="list-style-type: none"> Eliminate exclusion from education based on the internationally prohibited grounds of discrimination (race, colour, sex, language, religion, opinion, origin, economic status, birth, social status, minority or indigenous status, disability). Eliminate gender and racial discrimination by ensuring equal enjoyment of all human rights in practice, rather than only formally prohibiting discrimination. 	<ul style="list-style-type: none"> elimination of legal and administrative barriers elimination of financial obstacles identification and elimination of discriminatory denials of access elimination of obstacles to compulsory schooling (fees, distance, schedule) 	<p>Teachers</p> <ul style="list-style-type: none"> Criteria for recruitment Fitness for teaching Labour rights Trade union freedoms Professional responsibilities Academic freedom <p>Compulsory</p> <ul style="list-style-type: none"> All-encompassing Free-of-charge Assured attendance Parental freedom of choice <p>Post-Compulsory</p> <ul style="list-style-type: none"> Discriminatory denials of access Preferential access Criteria for admission Recognition of foreign diplomas 	

Right	4A's	General Description of obligations	Government's Obligations	Area	Nature of obligations
Rights in Education	Acceptability	<ul style="list-style-type: none"> Set minimum standards for education, including the medium of instruction, contents and methods of teaching, and to ensure their observance in all educational institutions. Improve the quality of education by ensuring that the entire education system conforms to all human rights. 	<ul style="list-style-type: none"> parental choice of education for their children (with human rights correctives) enforcement of minimal standards (quality, safety, environmental health) language of instruction freedom from censorship recognition of children as subjects of rights 	Regulation and Supervision	<ul style="list-style-type: none"> Minimum standards Respect of diversity Language of instruction Orientation and contents School discipline Rights of learners
	Adaptability	<ul style="list-style-type: none"> Design and implement education for children precluded from formal schooling (e.g. refugees or internally displaced children, children deprived of their liberty, or working children). Adapt education to the best interests of each child, especially regarding children with disabilities, or minority and indigenous children. Apply indivisibility of human rights as guidance so as to enhance all human rights through education, such as the right to marry and raise a family, or the right to freedom from forced and child labour. 	<ul style="list-style-type: none"> minority children indigenous children working children children with disabilities child migrants, travelers concordance of age-determined rights elimination of child marriage elimination of child labour prevention of child soldiering 	Special Needs	<ul style="list-style-type: none"> Children with disabilities Working children Refugee children Children deprived of their liberty
Rights through Education					

Source: Tomasevski (2001; 2004)

ActionAid's Promoting Rights in Schools (PRS) Initiative

ActionAid's Promoting Rights in Schools (PRS) initiative comes up with 10 rights derived from international human rights treaties and are all situated within and built on Tomasevski's 4A's framework¹. The ActionAid Charter on Promoting Rights in Schools comes up with 10 rights which are listed below:

ActionAid's Promoting Rights in Schools framework	
Right to Education	Description
Right to free and compulsory education	There should be no charges, direct or indirect, for primary education. Education must be gradually be made free at all levels
Right to non-discrimination	Schools must not make any distinction in provision based on sex, race, colour, language, religion, political opinion, nationality, ethnicity, ability or any other status.
Right to adequate infrastructure	There should be an appropriate number of classrooms, accessible to all, with adequate and separate sanitation facilities for girls and boys. Schools should be built with local materials and be resilient to natural risks and disasters.
Right to quality trained teachers	Schools should have a sufficient number of trained teachers of whom a good proportion are female; teachers should receive good quality pre-service and in-service training with built-in components on gender sensitivity, non-discrimination and human rights. All teachers should be paid domestically competitive salaries.
Right to safe and non-violent environment	Children should be safe on route to and in school. Clear anti-bullying policies and confidential systems for reporting and addressing any form of abuse or violence should be in place.
Right to relevant education	The curriculum should not discriminate and should be relevant to the social, cultural, environmental, economic context and language of learners.
Right to know one's rights	Schools should teach human rights education and children's rights in particular. Learning should include age-appropriate and accurate information on sexual and reproductive rights.
Right to participate	Girls and boys have the right to participate in decision-making processes in school. Appropriate mechanisms should be in place to enable the full, genuine and active participation of children.
Right to transparent and accountable schools	Schools need to have transparent and effective monitoring systems. Both community and children should be able to participate in accountable governing bodies, management committees, and parents' groups
Right to Quality learning	Girls and boys have a right to a quality learning environment and to effective teaching processes so that they can develop their personality, talents and physical and mental abilities to their fullest potential.

¹ ActionAid () Promoting Rights in Schools: Providing quality Public Education.

6. Review of Uzbekistan’s Law on Education (1997) provisions using the three conceptual frameworks

Article 41 of the Uzbekistan’s Constitution, adopted in 1992 guarantees right to education and provides the basis for the Law on Education adopted in 1997. It says “Everyone shall have the right to education. The state shall guarantee free secondary education. Schooling shall be under state supervision”.

Uzbekistan’s current Law on Education (1997) consists of 5 sections and 34 articles. The first section provides a description of the “General Provisions”, second section describes the “System and Types of Education”; third section elaborate the “Social Protection of Participants of the Education Process”; “Management of the System of Education” is addressed in Section four and section five briefs about “Final Provisions”.

Analysis of the Law on Education (1997) to review its compliance with international provisions and best practices is done using the three conceptual frameworks described in detail above. While analysing the provisions according to various frameworks, if the Law on Education did not contain a specific provision, the author reviewed the Law on the State Guarantee on the Rights of the Child (2007) and other government documents.

a. Analysis of the Law on Education (Uzbekistan) in the context of UNICEF-UNESCO Rights-based Conceptual Framework

The UNICEF-UNESCO conceptual framework based on provisions of various international conventions and the articles therein. The Law on Education (1997) is reviewed on the basis of the three dimensions of the framework and the obligations to ensure the right of access to education, right to quality education and the rights in the learning environment.

Right to Access to Education	Law On Education (1997), Uzbekistan
Obligations to ensure the right of access to education	
Provide free and compulsory primary education	The Law provides for free and compulsory education at not only primary level, but also at secondary level (there is no separate primary education system in Uzbekistan, the state mostly provides a composite general secondary education). However, the Law does not state education as both “free and compulsory” anywhere; “free” education is mentioned under Article 4 on “the Right to education” and “compulsory education” is mentioned in Article 3 on “the Basic principles of state policy in the field of education”, specifying “compulsory general secondary education”.
Develop forms of secondary education that are available and accessible to everyone, and introduce measures to provide free education and financial assistance in cases of need	General secondary education is a compulsory education stage in Uzbekistan, and as per Article 4, it is expected to be free. However, “free” education in the Law is not explicit in terms of the nature of provisions that are free. In practice, only tuition fees are free in the country as there are several hidden costs/ payments that parents make for their children’s education.

Right to Access to Education	Law On Education (1997), Uzbekistan
Obligations to ensure the right of access to education	
Provide higher education that is accessible on the basis of capacity by every appropriate means	Article 4 on “the rights to education” states that “equal rights of graduates of all types of educational institutions upon admission to educational institutions of the next stage. Article 14 on “higher education” states that “citizens are entitled to receive second and subsequent higher education on a contractual basis”.
Provide accessible educational and vocational information and guidance	The Law is silent on the provision of vocational information and guidance. The Law is also not explicit in stating the state obligation regarding accessible educational information.
Introduce measures to encourage regular attendance and reduce dropout rates	The Law has not provided any legal provision for addressing the issues of regular attendance of students and teachers in schools, and it doesn’t mention about issues related to drop out. This could be due to the fact that the country currently claims to enjoy 98 percent enrollments in general secondary education.
Provide education on the basis of equal opportunity	Article 4 on “the right to education” states that “everyone is guaranteed equal rights to receive education, regardless of gender, language, age, race, nationality, beliefs, attitudes towards religion, social origin, occupation, social status, place of residence, length of residence in the territory of the Republic of Uzbekistan”. However, there is no reference to the people with disabilities in this article. In spite of specifying that everyone is guaranteed equal rights, the omission of people with disabilities is a serious one and needs to be rectified.
Ensure respect for the right to education without discrimination of any kind on any grounds	<p>While Article 4 on the right to education mentions that everyone has equal rights to education, there is no provision in the Law regarding “non-discrimination” on any grounds. Even the provision of equal rights to education only addresses issues of “equal access”, and not “equal treatment”, which is ensured by a clause on “non-discrimination”.</p> <p>However, the Law on the “State Guarantees on the Right of the Child”, passed in 2007 have some provisions for non-discrimination in general for children. Article 4 of the said Law “State policy on the Protection of the Rights of the Child” includes “non-discrimination of the child”. Further, article 7 states that “the State shall do its best to protect the child from all forms of discrimination”. It is assumed that this Law provides for non-discrimination in education as well.</p>

Right to Access to Education	Law On Education (1997), Uzbekistan
Obligations to ensure the right of access to education	
Ensure an inclusive education system at all levels	The Law unfortunately does not guarantee inclusive education system at any levels. The current system and the absence of legal provisions for inclusive education means that the country will provide only segregated and separated “special” education for children with different needs.
Provide reasonable accommodation and support measures to ensure that children with disabilities have effective access to and receive education in a manner conducive to achieving the fullest possible social integration.	<p>Article 23 of the Law on “education of children and adolescents with disabilities in physical and mental development” talks about the educational provisions for children/people with disabilities. The Law approves a medical model of disability and says that “for the education, upbringing and treatment of children and adolescents with disabilities in physical and mental development, as well as those who need long-term treatment, specialized educational institutions are created”.</p> <p>Similarly, article 24 on “educational institutions for persons in need of social assistance and rehabilitation” mentions that children and adolescents in need of special conditions of upbringing and education, specialized educational and training institutions are created, which ensure their education, vocational training and social rehabilitation.</p>
Ensure an adequate standard of living for physical, mental, spiritual, moral and social development	Article 3 of the Law which details the principles of state policy mentions that “education is proclaimed as priority in the sphere of social development”. The same article also mentions about the “secular character of the education system”. The Law does not talk about the need to ensure physical, mental/emotional, moral or spiritual development for maintaining adequate standard of living.
Provide protection and assistance to ensure respect for the rights of children who are refugees or seeking asylum.	The Law on education is silent on the right to education of refugees or those who seek asylum. However, to its credit, the Law reiterates that “citizens of other states are entitled to receive education in the Republic of Uzbekistan in accordance with international treaties” and that “persons without citizenship residing in the republic have equal rights with citizens of the Republic of Uzbekistan to receive education” (article 4 on right to education).
Provide protection from economic exploitation and work that interferes with education.	The Law on education does not make any provisions for the protection of children from economic exploitation and work that interferes with education. The Section on Social Protection of children (Section 3) refers to only about protection during the process of education and mentions only free provisions.

Right to Access to Education	Law On Education (1997), Uzbekistan
Obligations to ensure the right of access to education	
	<p>However, another state Law “Guarantees of the Rights of the Child” (2007), specifically article 20 of the law – “Guarantees of the Child’s Right to Work” provides for employing students from general education schools, academic lyceum and vocational colleges for carrying out <u>light work</u> not posing harm to their health and moral development, not breaking the training process during the period free from training to prepare the children for the work – upon their attainment of fifteen years old with the written consent of one of the parents or the persons replacing the parents”.</p> <p>The Law on the Guarantees of the rights of child further states that the “state shall guarantee the right of a child to work by providing the conditions required for combining work with education, and taking the other measures stipulated by law for the persons who have not attained the age of eighteen”.</p> <p>These provisions need to be re-examined and revised in the context of the rights of children as per the CRC provisions.</p>

THE RIGHT TO QUALITY EDUCATION	
Obligations to ensure the right to quality education	
<p>Develop children’s personalities, talents and mental and physical abilities to their fullest potential.</p>	<p>At present, the Law on Education (1997) does not contain any provision that specifies development of children’s personalities or abilities to their fullest potential. Article 3 on the basic principles of the state policy includes a line on the “promotion of education and talent”; and article 12 on General Secondary Education mentions that “to develop abilities, talents of children, specialized schools can be created”.</p> <p>However, the Resolution of the Cabinet of Ministers “On Approving of the State Educational Standards for General Secondary, Secondary Specialized and Vocation Education (Collection of legal acts of the Republic of Uzbekistan, 2017, #14, Article 230) states that “priority of student’s identity, his/her aspirations, talents and interests” forms one of the basic principles of State Educational Standards (Annex 1; Chapter 3).</p>
<p>Promote respect for human rights and fundamental freedoms, and prepare children for a responsible life in a spirit of peace, tolerance, equality and friendship.</p>	<p>The Law on Education (1997) is currently devoid of any provisions related to the promotion of respect for human rights and fundamental freedoms.</p>

THE RIGHT TO QUALITY EDUCATION

Obligations to ensure the right to quality education

<p>Promote respect for the child's, his/her parents' and others' cultural identity, language and values.</p>	<p>The Law guarantees "equal rights" of everyone to receive education irrespective of gender, age, race, language etc. (article 4 on rights to education). However, the Law has not mentioned about minority groups' rights to maintain educational institutions to promote cultural identity or other factors. Article 8 on the "Language of instruction" mentions that "the procedure for using the language of instruction in educational institutions is regulated by the Law of the Republic of Uzbekistan on the "State Language".</p> <p>Article 5 of the "Law on State Language" states that the "establishment of preschool institutions using official language and in the territories where other linguistic groups are in high density, using their native languages shall be provided".</p> <p>Similarly, Article 6 of the same Law states that individuals are granted the right to choose language of education.</p> <p>However, both the laws (on education and on state Language) does not guarantee mother tongue as the medium of education. The Laws are also not clear about languages to be used in higher education. One more area of confusion is the number of languages, including foreign languages that the students are expected to learn progressively while in school. There is a need for clarity on this in the Law.</p>
<p>Ensure the child's access to information from a diversity of sources.</p>	<p>The Law on Education (1997) does not mention about access to information. However, the Law on the Guarantees of the Rights of the Child (2007) explicitly provides for it. Article 16 on the "Guarantees of the Child's Right to Receive Information" in the 2007 Law mentions that "every child has the right to receive information which does not harm his/her health, moral and spiritual development". Further it elaborates: "every child has the right to seek, receive and disseminate any information, except for the restrictions stipulated by the law".</p>
<p>Ensure that the best interests of children are the primary consideration</p>	<p>Article 30 of the law on education "Duties of parents or legal representatives" says that parents or legal representatives of minor children are obliged to protect the legitimate rights and interests of the child and are responsible for their education". However, the Law thus simply puts the onus on the parents/legal representatives and not provide state obligations regarding children's rights and entitlements.</p>
<p>Promote respect for the evolving capacities of children in the exercise of their rights.</p>	<p>The Law is silent on matters related to children's capabilities and rights.</p>

THE RIGHT TO QUALITY EDUCATION

Obligations to ensure the right to quality education

Respect the right of children to rest, leisure, play, recreation and participation in arts and culture.	Article 21 of the law on “State Guarantee on the Rights of the Child”, guarantees child’s right to rest and leisure (and not the Law on education). The article mentions that “every child has the right to rest and leisure appropriate to his/her age, health and needs”. The article further states that it is the duty of the parents to provide for “the living conditions required for the harmonious development and well-being of the child”. The obligation of the State bodies is to establish and maintain children’s recreation, sports, artistic and other types of rest and leisure in compliance with the Law.
---	---

THE RIGHT TO RESPECT IN THE LEARNING ENVIRONMENT

Obligations to respect children’s rights in the learning environment

Respect every child equally without discrimination on any grounds	As described earlier, while the Law on Education does not provide any guarantee against non-discrimination on any grounds, the Law on the Guarantees of the Rights of Child provides for the same. The revision of the Law on Education may take this into consideration, especially guaranteeing non-discrimination within education sector.
Teach respect for human rights and fundamental freedoms, for difference and for life in a society where there is understanding, peace, tolerance, equality and friendship.	The Law on Education (1997) does not describe any provision for teaching human rights and fundamental freedoms. However, Article 4 of the Law on State Guarantee on the Rights of the Child (2007) mentions “development of the child’s legal awareness and education”.
Give primary consideration to the best interest of the child	While the Law on Education (1997) does not reflect much from the point of view of children’s rights or their best interest, the Law on the Guarantee on the Rights of the Child (2007) gives several provisions to support the primacy of children and their interests.
Respect the evolving capacities of the child	Again, the while the Law on education is not clear on these provisions, the Law on the Guarantee on the Rights of the Child provides for the same.
Respect the right of children to express their views on all matters of concern to them and have those views given due weight in accordance with children’s age and maturity.	Article 15 on the Guarantees of the Child’s Right to express his/her views (Law on Guarantee on the Rights of the Child, 2007) provides for every child’s “right to freely express his/her opinion with regard to any issues that concerns him/her in the family as well as to be heard at the court or during any administrative proceedings linked with the child’s interests.”

THE RIGHT TO RESPECT IN THE LEARNING ENVIRONMENT

Obligations to respect children's rights in the learning environment

Recognize the right to freedom of expression, religion, conscience, thought and assembly	While the Law on Education (1997) does not address this provision, Article 17 of the Law on the Guarantees of the Rights of the Child (2007) provides for a child's right to freedom of thinking, speech, conscience and belief. However, a caveat is provided immediately, that "the child's liberty of opinion and its expression can be restricted according to the procedure stipulated by the law".
Take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's dignity and all other rights in the Convention on the Rights of the Child;	The Law on Education (1997) does not mention any appropriate measures to ensure child's dignity and other rights. The Law on the Guarantees of the Rights of the Child (2007), article 3 provides for "protection of honour and dignity of the child"; further, article 10 on the "Guarantees of the Child's Freedom and Personal Immunity" elaborates that "every child enjoys the right to protection against encroachment upon his/her honour and dignity, illicit interference with his/her private life". It is assumed that these provisions are applicable in schools as well.
Protect children from all forms of physical violence, injury or abuse, neglect or negligence, maltreatment or exploitation, including sexual abuse.	<p>The Law on Education (1997) does not mention anything about the protection of children in school from any form of physical violence, corporal punishments, bullying or emotional abuse. There is no provision for addressing issues related to sexual abuse as well.</p> <p>However, the Law on the Guarantees of the Rights of the Child (2007) states that "the State shall secure the child's immunity, inviolability of the home and confidentiality of correspondence and protect the child from all forms of exploitation, including physical, mental and sexual violence, tortures and other forms of abuse, rude or degrading treatment, sexual harassment, involvement into criminal activities and prostitution".</p>

Sources:

Article 26, Universal Declaration of Human Rights,

Articles 2, 3, 5, 6, 12, 13, 14, 15, 16, 19, 22, 23, 27, 28, 29, 31 and 32, Convention on the Rights of the Child (CRC):

- *Article 13; International Covenant on Economic, Social and Cultural Rights*
- *Convention on the Elimination of All Forms of Discrimination against Women;*
- *Article 4 & 5; UNESCO Convention against Discrimination in Education:*
- *Article 24; Convention on the Rights of Persons with Disabilities*

b. Analysis using Tomasveski's 4 A' Approach

Rights	Law on Education (1997)
Right to Education: Availability	
<p>Ensure compulsory and free education for all children in the country within a determined age range, up to at least the minimum age of employment.</p>	<p>The Law on Education (1997) provides for free education (Article 4) as well as compulsory general secondary education and secondary specialized vocational education (Article 3 on State principles). However, the Law does not specify "free and compulsory education" together. The Law also does not specify any age range for free and compulsory education. However, since it mentions general secondary education as compulsory education stage, it is assumed that free and compulsory education is guaranteed for children in the age group of 7-17 years old.</p>
<p>Respect parental freedom to choose education for their children, observing the principle of the best interests of the child.</p>	<p>The Law on Education (1997) provides for "voluntary choice of the direction of secondary specialized education/academic lyceum or professional college". However, the law does not provide for parental freedom to choose educational institutions for their children, unless a private institution is chosen, which is not mentioned in the Law.</p>
<p>Fiscal allocations matching human rights obligations</p>	<p>The Law on Education (1997) has Article 31 on Financing of education. However, the article just mentions that "financing of public educational institutions at the expense of the republican and local budgets, as well as extra-budgetary funds". The law is not clear on what proportion of the budget and for what, nor it is clear on the "extra-budgetary funds".</p>
<p>Adequate number of Schools for children (number, diversity)</p> <ul style="list-style-type: none"> • Establishment/closure of schools • Freedom to establish schools • Funding for public schools • Public funding for private schools 	<p>Article 4 of the Law on Education (right to education) mentions "development of state and non-state educational institutions" to guarantee right to education. However the Law does not explicitly states about institutions and its diversities. There is not much in terms of legal base for various activities needed for ensuring adequate number of schools.</p>
<p>Teachers (education & training, recruitment, labour rights etc.)</p> <ul style="list-style-type: none"> • Criteria for recruitment • Fitness for teaching • Labour rights • Trade union freedoms • Professional responsibilities • Academic freedom 	<p>Article 5 of the Law on Education (1997) elaborates the "rights to engage in teaching activities". It mentions that "the right to engage in teaching activities is provided to persons with appropriate education, professional training and possessing high moral quality". On the criteria for recruitment, the article states that "recruitment of teaching staff in higher educational institutions on a competitive basis in accordance with the Regulations approved by the Cabinet of Ministers". However, the recruitment criteria for general secondary education is not clear in the article. The article also says that pedagogical activity is prohibited for those with a court verdict to not to teach.</p>

Rights	Law on Education (1997)
Right to Education: Availability	
	<p>In article 26 of the law, competence of authorized State Educational Management Bodies are described, which also include that they are responsible for the organization of training, advanced training and retraining of teachers. Similarly, article 27 on the competence of state authorities in the filed of education mentions that they are responsible for ensuring compliance with state requirements for the quality and level of education and professional activity of teachers.</p>

Rights	Law on Education (1997)
Right to Education - Accessibility	
<p>Eliminate exclusion from education based on the internationally prohibited grounds of discrimination (race, colour, sex, language, religion, opinion, origin, economic status, birth, social status, minority or indigenous status, disability).</p>	<p>As mentioned earlier, article 4 on right to education guarantees equal rights to everyone “regardless of gender, language, age, race, nationality, beliefs, attitudes towards religion, social origin, occupation, social status, place of residence, length of residence in the territory of the Republic of Uzbekistan”. The article in the law is limited on two accounts: (i) the Law does not explicitly talks about elimination of discrimination; and (ii) equal education for those with disabilities.</p> <p>Again, as described in an earlier section, the Government of Uzbekistan’s 2007 Law on the Guarantees of the Rights of the Child talks about non-discrimination among children on different grounds.</p> <p>In spite of all the provisions, special education is still supported by the Law for children with disabilities.</p>
<p>Accessibility to Compulsory Education stage</p> <ul style="list-style-type: none"> • All-encompassing • Free-of-charge • Assured attendance • Parental freedom of choice 	<p>The compulsory education stage (in the case of Uzbekistan, it is general secondary and secondary specialized and vocational education) is expected to be free of any legal and administrative barriers, without any financial obstacles.</p> <p>The Law is technically “all encompassing” except children with disabilities as inclusive education is not the norm, nor has a legal base in the Law. Though general secondary education is “free”, there are hidden costs reported and the Law is not explicit in terms of its specification of “free” education.</p> <p>The Law also do not provide for parental freedom of choice of schools at compulsory education stage.</p>

Rights	Law on Education (1997)
Right to Education - Accessibility	
<p>Post-Compulsory education stage</p> <ul style="list-style-type: none"> • Discriminatory denials of access • Preferential access • Criteria for admission • Recognition of foreign diplomas 	<p>The Law on education (1997) prohibits any kind of discrimination for higher education. Article 4 states that “free education under state programs of education and training, as well as paid professional training in educational institutions on a contractual basis; equal rights of graduates of all types of educational institutions upon admission to educational institutions of the next stage; granting the right to citizens who have received education in the family or through self-education, for certification in the form of an external school in accredited educational institutions; citizens of other states are entitled to receive education in the Republic of Uzbekistan in accordance with international treaties; and persons without citizenship residing in the republic have equal rights with citizens of the Republic of Uzbekistan to receive education”.</p> <p>Thus the Law provides some criteria for admission and provision for recognizing foreign diplomas. However, what is missing in the post-compulsory stage is “equity”, though it provides for “equality”, By equity, here we refer to some affirmative actions and provisions to ensure that the children and youth from most marginalised and vulnerable backgrounds have some pro-active provisions from the state.</p>

Rights	Law on Education (1997)
Right in Education - Acceptability	
<p>Set minimum standards for education, including the medium of instruction, contents and methods of teaching, and to ensure their observance in all educational institutions.</p> <p>Improve the quality of education by ensuring that the entire education system conforms to all human rights.</p>	<p>The standards of education is prescribed by the State Educational Standards. Article 7 of the Law on Education (1997) states that the “State educational standards determine the requirements for the content and quality of education” and all educational institutions are mandated to implement the standards.</p> <p>The safety and environmental health and other physical quality parameters are specified in the documents related to Sanitary rules, norms and hygiene standards and construction norms for buildings.</p> <p>Article 8 of the Law mentions that the language of instruction in educational institutions will be regulated by the Law “On State Language”.</p> <p>However, the rights of learners are not fulfilled in these documents as per internationally sanctioned provisions.</p>

Rights	Law on Education (1997)
Rights in and through Education: Adaptability	
<ul style="list-style-type: none"> • Children with disabilities • Working children • Refugee children • Children deprived of their liberty 	<p>The Law on Education (1997) is silent on the pertinent issues of equal rights of children in vulnerable situations. The Law sanctions special education for children with disabilities and not endorse inclusive education. On the working children, the Law on the Guarantee of the Rights of the Child (2007) provides for the adolescents' right to work. On matters related to refugee children and children deprived of liberty, the laws are silent.</p>

c. Analysis using ActionAid framework

Analysis of the Law on Education using ActionAid Framework	
Right to Education	Law on Education (1997)
Right to free and compulsory education	<p>The Law on Education (1997) provides for compulsory education at general secondary education stage, thus going beyond primary education as compulsory education. Article 4 of the Law also mentions "free" education, which is meant for the entire general education cycle. However, preschool education is neither free nor compulsory. It is also not clear whether the "free" education is really "free" in the real sense. Though there is no tuition fees at general secondary education stage, there are some indirect charges that a student attending general secondary stage is expected to pay.</p>
Right to non-discrimination	<p>While the Law on Education (1997) guarantees equal rights for everyone for education, despite sex, race, colour, language, religion, political opinion, nationality, ethnicity, etc., article 4 on right to education does not include equal rights for all and non-discrimination on the basis of ability, disability or any other status.</p>
Right to adequate infrastructure	<p>Article 6 of the Law on Education states that "the accreditation of the educational institution to be carried out by the authorized state body on the basis of certification" and that "an educational institution may be deprived of state accreditation based on the results of certification". As per this, the State has established two documents: (a) Sanitary norms and hygienic conditions and (b) construction norms for school buildings. These documents define the terms and conditions related to school space per child, sanitary facilities and the school materials. Thus, while the Law does not directly provide for adequate facilities, its provisions lead to the creation of norms and qualities for ensuring adequate infrastructure in schools.</p>

Analysis of the Law on Education using ActionAid Framework

Right to Education	Law on Education (1997)
Right to quality trained teachers	<p>As of now, the Law provides for some provisions regarding teachers. Article 5 of the Law (“right to engage in teaching activities”) mentions that “the right to engage in teaching activities is provided to persons with appropriate education, professional training and possessing high moral quality”. However, the recruitment conditions in the Law only refer to those in higher educational institutions (“on a competitive basis in accordance with the Regulations approved by the Cabinet of Ministers”). Though there are State Education Standards, it is not clear on the norms regarding Pupil-Teacher Ratios (PTR) for primary and secondary grades, resulting in over-estimation of the needs of teachers (with a high PTR of 13:1 now). The qualification norms for teachers are not sufficiently defined. It is not clear whether the pre-service and in-service training that teachers receive reflect gender sensitivity, non-discrimination and human rights. Statistics points to the fact that the teachers in the country is not paid domestically competitive salaries.</p>
Right to safe and non-violent environment	<p>The Law on Education (1997) is silent on the issue of corporal punishments in schools. The Law is also mute on issues related to bullying in schools as well the systems required to be put in place for reporting and addressing any forms of abuse or violence, including sexual abuse.</p> <p>Corporal punishment is considered unlawful in schools under article 10 of the Law on Guarantees of the Rights of the Child 2007, but it is not explicitly prohibited.</p> <p>Country Report Task Force on Briefing on Uzbekistan for the Human Rights Committee, 112th session (October 2014) noted that in reporting to the Committee on the Rights of the Child in 2010, the Government stated that corporal punishment “is prohibited in general and special education establishments under specific provisions in the relevant regulations, standard rules and statutes” and “accordingly, ‘child friendly school’ principles are introduced in the educational institutions, and all conditions necessary for development along those lines are created” (26 January 2012, CRC/C/UZB/3-4, Third/fourth state party report, para. 702). However, the task force reported that they could not find any legal texts which include explicit prohibition of corporal punishment.</p> <p>The Law needs to be modified to reflect explicitly banning of corporal punishments or any forms of violence against children in the school, including provision for anti-bullying policies. The Law should also provide for a system for reporting and addressing any form of abuse or violence, including sexual abuse.</p>
Right to relevant education	<p>Article 7 of the Law on Education (1997) talks about state educational standards, which determine the requirements for the content and quality of general secondary, secondary specialized, professional and higher education. The implementation of state educational standards is mandatory for all educational institutions in the country. The State Educational Standards is silent on the non-discriminatory curriculum and it is silent on the need to make curriculum relevant to the context of learners. In general, the Law on Education do not make any provision for quality or relevant education.</p>
Right to know one’s rights	<p>While the Law on Education is silent on this, the State Educational Standards mentions “socially active citizenship competency” and talks about the need for providing for “developing capability in having a sense of belonging to the events and processes happening in the society and being involved with them actively, knowing his/her civic rights and duties, being compliant with them, being communicative and legally literate in labour and civil relations”.</p>

Analysis of the Law on Education using ActionAid Framework

Right to Education	Law on Education (1997)
Right to participate	The Law on Education (1997) is silent on the children's right to participate in decision-making processes in school. Appropriate mechanisms should be in place to enable the full, genuine and active participation of children.
Right to transparent and accountable schools	The Law on Education (1997) does not provide for transparent and effective monitoring systems at school and other levels. The Law is silent on the community's role in participating in accountable governing bodies, management committees, and parents' groups. There is hardly any provision for ensuring monitoring of the school systems to make it transparent or accountable.
Right to Quality learning	Article 7 of the Law on Education (1997) talks about state educational standards which prescribes the quality of education in the country. The Standards prescribe the instructional time and content, with vague information on effective teaching processes. Article 12 states that "to develop abilities, talents of children, specialized schools can be created". Clearly, this is not in line with the right to quality learning.

7. Review of the Law on Education (1997) by articles

In this section, the Law on Education (1997) is analyzed taking the articles one by one. In this analysis, articles on which there is no particular comment are omitted. The analysis also provides some alternative narratives to include some missing provisions in the Law.

Current Provisions	UNICEF's Comments/ Suggestions
General Provisions	
<p>Article 1: Purpose of the Law</p> <p>This Law determines the legal basis for training, education, professional training of citizens and is aimed at securing the constitutional right of everyone to education.</p>	<p>The article should also specify about the provision of free and compulsory education for specific age groups. The paragraph could be modified as: "This Law determines the legal basis for education, training and professional training of citizens and is aimed at securing the constitutional rights of everyone to education, particularly, providing free and compulsory education to all children in the age group of X and XX years"</p>
<p>Article 2. Legislation on education</p> <p>Legislation on education consists of this Law and other legislative acts.</p>	<p>This section could provide the short title, extent and commencement of the Law.</p> <p>With the revision of the Law, the Law on Education should become the prime legal basis for education in the country.</p> <p>The revised Law could be provided a Legal Name, and it could be specified here as "The Law may be called _____"</p>
<p>Relations in the field of education in the Republic of Karakalpakstan are also regulated by the legislation of the Republic of Karakalpakstan.</p>	<p>The wording here could be modified to reflect the application of the Law to the entire country. Hence, this section could be rephrased as "The Law shall extend to the whole country / Uzbekistan, except/ including the provisions of education in the Republic of Karakalpakstan"</p>
<p>If the international agreement of the Republic of Uzbekistan establishes other rules than those contained in the legislation on education, the rules of the international treaty are applied.</p>	<p>This section could be modified as: "If the international agreement of the Republic of Uzbekistan establishes other rules than those contained in the legislation on education, the Law on Education shall be modified to reflect the relevant provisions of the international treaty"</p> <p>The Law may also be revised to add "this Law shall come into force on such date as the President provide consent after Parliamentary approval" or as appropriate for the country.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<p>Article 3. Basic principles of state policy in the field of education</p> <p>Education is proclaimed a priority in the sphere of social development of the Republic of Uzbekistan.</p> <p>The main principles of state policy in the field of education are:</p> <ul style="list-style-type: none"> • Humanistic, democratic character of education and upbringing; • Continuity and continuity of education; • Compulsory general secondary education, as well as secondary specialized vocational education; • Voluntary choice of the direction of secondary specialized vocational education: academic lyceum or professional college; • Secular character of the education system; • The general availability of education within the limits of state educational standards; • Unity and differentiation of the approach to the choice of training programs; • Promotion of education and talent; • A combination of state and public management in the education system. 	<p>As of now, the main principles of state policy on education talks only about “compulsory” education, and not “free and compulsory” education.</p> <p>The basic principles of state policy may also include provision of free and compulsory education to basic education, and in the case of Uzbekistan, for general secondary education.</p> <p>Once the “compulsory” stage is specified, there is no need of specifying “voluntary” stage, rather, need to mention about “non-compulsory” stage.</p> <p>It is a misnomer to specify “choices” in “voluntary” or “non-compulsory” stage. It should be modified as “options”. Hence, this provision could be modified as “Post general secondary education is non-compulsory with various options of education stream to choose from”.</p> <p>The current formulation makes it look like establishing restrictions, the sentence should be modified as “the general availability of education as per the provisions prescribed in the state education standards”.</p> <p>This sentence again is misleading. This could be modified as “diversified and standardized approach to the availability of training programmes”</p> <p>Specification of only “education and talent” undermines the importance and impact of affirmative actions required for individuals from disadvantaged groups. This provision could be modified as “promotion of education and talent, along with affirmative actions to ensure equitable opportunity to develop talent and skills”.</p> <p>This part specifies only state and public management, it would be better to specify state and non-state provision and management of the education system.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<p>Article 4. The right to education</p> <p>Everyone is guaranteed equal rights to receive education, regardless of gender, language, age, race, nationality, beliefs, attitudes towards religion, social origin, occupation, social status, place of residence, length of residence in the territory of the Republic of Uzbekistan.</p>	<p>The right to education is rightly articulated as everyone's right. However, the specification of the categories entitled to the right misses one important category: the individuals with disabilities or special needs, including those affected by diseases such as HIV-AIDS. Though Uzbekistan has signed the Convention on the Rights of Persons with Disabilities, the country is yet to ratify the same. However, the country is committed to the 1960 Convention against Discrimination in Education and could modify the article on the right to education to reflect equal rights to equitable type of education to all, including children with disabilities and special needs.</p> <p>Overall, the Article 4 on the right to education talks more about "equal" rights and not about "equitable" rights.</p> <p>The Law has not addressed the issue of geographic access to schools, in terms of how the state should provide neighbourhood schools in accessible catchment area. The State Standards may have specifications on the same, however, in order to reflect a rights-based approach in Law, it is important that the Law specifies equal /equitable right to geographical access to schools.</p>
<p>The right to education is provided by:</p> <ul style="list-style-type: none"> • Development of state and non-state educational institutions; 	<p>The right to education is to be provided by developing both state (government) and non-state (private) educational institutions. The Law is silent on the cost implications of private provision, and denial of access to education on the basis of financial barriers is a violation of rights to education. The Law may clarify this. The Law is also silent on the admission procedures of the institutions, especially the Law has not endorsed prohibition of "screening" of children for admission into the schools for those in the free and compulsory school age groups. The Law has also not made any explicit comment on the denial of admission to some children in a neighbourhood school.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<ul style="list-style-type: none"> • Organization of training with and without separation from production; • Free education under state programmes of education and training, as well as paid professional training in educational institutions on a contractual basis; 	<p>This provision is the only place in the Law that mentions “free” education. However, the provision has not specified which stage of education or which age groups of people are entitled to “free” education. The provision qualifies “free” education as only under the state programmes of education and training, and explicitly talks about “paid” professional training. The legislation has not provided any clarity on the nature of “free” education that is available to people: The Law does not explicitly prohibit governments or schools from charging supplementary fees for books/textbooks, school supplies, construction or maintenance of school buildings or teachers’ salaries. The Law is also silent on any subsidies or free provisions of any education materials or services to those from economically vulnerable groups.</p>
<ul style="list-style-type: none"> • Equal rights of graduates of all types of educational institutions upon admission to educational institutions of the next stage; • Granting the right to citizens who have received education in the family or through self-education, for certification in the form of an external school in accredited educational institutions. • Citizens of other states are entitled to receive education in the Republic of Uzbekistan in accordance with international treaties. • Persons without citizenship residing in the republic have equal rights with citizens of the Republic of Uzbekistan to receive education 	<p>This provision focuses more on “rights in education” rather than “right to education”.</p>
<p>Article 5. Rights to engage in teaching activities</p>	<p>This Article should be titled more appropriately as the “Qualifications for appointment and terms and conditions of the services of the teachers”. While every person of a country should have the “right to work”, “right to engage in teaching activities” depends on the education and professional qualification, availability of vacancies and a person’s proven competence to be eligible to enter the job. Hence, entering the profession is not a fundamental right, as in the case of “right to primary education”.</p>
<p>The right to engage in teaching activities is provided by persons with appropriate education, professional training and possessing high moral quality.</p> <p>Recruitment of teaching staff in higher educational institutions on a competitive basis in accordance with the regulations approved by the Cabinet of Ministers of Uzbekistan.</p> <p>Pedagogical activity in educational institutions is not allowed for persons to whom it is prohibited by a court verdict.</p>	<p>This provision should be further qualified to reflect the process of selection, and hence should be extended as “... subject to qualification and selection through a recruitment process”.</p> <p>This section, or in separate section, the terms and conditions of services of the teachers should supported. Any person possessing qualifications as laid down by the national academic authority, authorized by the national government by notification, shall be eligible for appointment as teacher.</p>

Current Provisions	UNICEF's Comments/ Suggestions
	<p>If those who engage in pedagogical activities are selected through a process that involve rigorous norms and standards, there is no need of highlighting this in the law.</p> <p>Further to the above provisions, the following must me also added here:</p> <p>A teacher appointed as per the terms and conditions laid down by _____ shall perform the following duties, namely:</p> <ul style="list-style-type: none"> • Maintain regularity and punctuality in attending the school; • Conduct and complete the curriculum within the specified time; • Assess the learning ability of each child and accordingly design and supplement additional instructional support, if any, as required; • Hold regular meetings with parents/guardians and appraise them about children's development, ability to learn, progress made in learning in accordance with the curricula, and any relevant information about the child; • Perform other duties as may be prescribed. <p>The revisions in the Law may also include the following provisions:</p>
	<p>A teacher committing default in performing his/ her duties specified shall be liable for disciplinary actions under the service rules applicable to the teacher;</p> <p>The grievances, if any, of the teacher shall be redressed in such a manner as may be prescribed.</p> <p>Teachers shall be appointed to maintain prescribed Pupil-Teacher Ratio and Student-classroom Ratio; at the same time, ensuring that the economic inefficiencies are mitigated by rationalizing the number of teachers required in the school rather than maintaining uneconomic/inefficient vacancies;</p> <p>Prohibition of deployment of teachers for any non-education related purposes/duties.</p> <p>No teacher shall be deployed for any non-educational purpose other than the disaster relief activities</p>

Current Provisions	UNICEF's Comments/ Suggestions
<p>Article 6. Legal status of an educational institution</p>	<p>The legal status of an educational institution should be specified in terms of what determines the legal status. Hence, it is important to include a provision here to reflect the process. For example, it could be expressed as: "No educational institution can function without obtaining an accreditation from an authorised agency that certifies that the institution fulfils all the norms and standards set out by the authority"</p>
<p>Accreditation of the educational institution is carried out by the authorized state body on the basis of certification.</p> <p>Educational institution is a legal entity and is created in accordance with the procedure established by law. A non-state educational institution acquires the rights of a legal entity and the right to educational activity from the moment of its state accreditation in accordance with the procedure established by the Cabinet of Ministers of the Republic of Uzbekistan.</p> <p>Educational institution operates on the basis of the charter, developed in accordance with the law.</p> <p>An educational institution may be deprived of state accreditation based on the results of certification.</p>	<p>This sentence/ provision should be the first under the Article.</p>
<p>The educational institution has the right to unite in educational and educational complexes and educational, scientific and industrial associations and associations.</p>	<p>Here, it could be mentioned that "all schools shall ensure compliance with the sanitary norms, building standards and State standards as specified in the SanPIN. Where schools fall short of compliance due to worn out or other reasons, government shall support the schools to ensure that they meet the required norms and standards"</p>
<p>The educational institution has the right to provide paid educational services, as well as engage in other types of entrepreneurial activities in accordance with the statutory objectives.</p>	<p>It is not clear which stage of education that an educational institution can engage in paid educational services. It is also not clear what is a "paid educational service" in the context of this law. It is also not clear what kind of "entrepreneurial activities" that an institution can engage in as this will bring in a commercial nature for education, which is in violation of rights-based approach to providing education, especially at the basic education level.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<p>Article 7. State educational standards</p> <p>State educational standards determine the requirements for the content and quality of general secondary, secondary specialized, professional and higher education.</p> <p>Implementation of state educational standards is mandatory for all educational institutions of the Republic of Uzbekistan.</p>	<p>It is also important, from the point of view of quality and learning to mention here that “the curriculum and evaluation procedure for education shall be laid down by an academic authority authorized by the government by notification, as in the State Educational Standards”</p> <p>It is also important to mention that the academic authority, while laying down the curriculum and evaluation procedure, shall take into consideration, the following:</p> <ul style="list-style-type: none"> • Conformity with the values enshrined in the constitution • All round development of the child • Building up child’s knowledge, competence, potentiality and talent • Development of physical and mental abilities to the fullest extent; • Learning through activities, discovery and exploration in a child friendly and child centered manner • Making the child free of fear, trauma and anxiety and helping children to express freely.
<p>Article 8. Language of instruction</p> <p>The procedure for using the language of instruction in educational institutions is regulated by the Law of the Republic of Uzbekistan “On state language”.</p>	<p>While it is mentioned here that the Law on the State Language will be applicable, it is not clear what the Law on State Language provides for.</p> <p>Article 5 of the Law on State Language states that the “establishment of preschool institutions using official language and in the territories where other linguistic groups are in high density, using their native languages shall be provided. Similarly, Article 6 of the same Law states that individuals are granted the right to choose language of education.</p> <p>Medium of instruction, as far as possible, should be in child’s mother tongue/language of the home. It is not clear whether the law on languages endorses the education in mother-tongue explicitly.</p> <p>Another issue related to Language in schools is the number of languages (native and foreign) that students are expected to study at various levels of education and the State policy regarding that. Neither the Law on Education nor the Law on the State Language is clear on the provision.</p>

Current Provisions	UNICEF's Comments/ Suggestions
II. SYSTEM AND TYPES OF EDUCATION	
<p>Article 9. Education system</p> <p>The system of education of the Republic of Uzbekistan consists of:</p> <ul style="list-style-type: none"> • State and non-state educational institutions that implement educational programs in accordance with state educational standards; • Scientific and pedagogical institutions that carry out research work necessary to ensure the functioning and development of the education system; • Public administration bodies in the field of education, as well as subordinate enterprises, institutions and organizations. <p>The educational system of the Republic of Uzbekistan is unified and continuous.</p>	<p>It is important to mention that the non-state schools will be regulated by the state for compliance.</p> <p>The provisions of higher education need to be specified as belonging to that education sub-sector.</p>
<p>Article 11. Preschool education</p> <p>Preschool education has the goal of forming a healthy and full-fledged personality for a child prepared for school. It takes place up to six to seven years in the family, in the kindergarten and in other educational institutions, regardless of the form of ownership.</p>	<p>While it is mentioned that preschool education is up to 6 or seven years, the entry age is not mentioned. Usually it is 3 years for a child to start preschool / pre-primary education.</p> <p>It is not clear whether preschool education in part or full be free or compulsory. If it not at present, the Law is silent as to whether it intend to achieve the goal progressively.</p>
<p>Article 12. General secondary education</p> <p>Levels of general secondary education:</p> <ul style="list-style-type: none"> • Primary education (I-IV classes); • General secondary education (grades I-IX). <p>Primary education is aimed at building the foundations of literacy, knowledge and skills necessary to obtain general secondary education. In the first grade of the school, children are accepted from six to seven years of age.</p> <p>The general secondary education lays out the necessary amount of knowledge, develops the skills of independent thinking, organizational skills and practical experience, contributes to the initial professional orientation and the choice of the next stage of education.</p> <p>To develop abilities, talents of children, specialized schools can be created.</p>	<p>This is also the stage of “free” and “compulsory” education in the country, which should be brought out strongly through the legislation.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<p>Article 13. Secondary specialized vocational education</p> <p>In order to obtain secondary specialized, vocational education, everyone has the right, on the basis of general secondary education, to choose voluntarily the direction of study in an academic lyceum or a professional college.</p>	<p>While there is a choice of direction or stream of secondary specialized education, these are still compulsory education stage, which needs to be specified. With the extension of school education from 9 years to 11 years, this section needs to be modified to reflect the change in that as well as change in the number of years of compulsory education.</p>
<p>Academic lyceums and vocational colleges provide secondary specialized, vocational education, which provides the right and is the basis for work on a newly acquired profession or continuing education to the next degree.</p> <p>Academic Lyceum is a three-year secondary specialized educational institution providing intensive development of intellectual abilities, in-depth, differentiated and professionally-oriented teaching of students.</p> <p>Professional college is a three-year secondary vocational school providing in-depth development of professional inclinations, abilities and skills of students, obtaining one or several specialties for selected professions.</p>	<p>It is also important to bring out the “progressive” nature of achieving this transition.</p>
<p>Article 14. Higher education</p> <p>Higher education provides training for highly qualified specialists.</p> <p>Training of specialists with higher education is carried out in higher educational institutions (universities, academies, institutes and other educational institutions of higher education) on the basis of secondary specialized and vocational education.</p> <p>Higher education has two levels: bachelor's and master's degrees, confirmed by documents on higher education of the state sample.</p> <p>Bachelor's program is a basic higher education with fundamental knowledge in one of the areas of higher education with a duration of at least four years.</p> <p>Master's degree is a higher education in a specific field with a duration of at least two years of study on the basis of a bachelor's degree.</p> <p>Citizens are entitled to receive second and subsequent higher education on a contractual basis.</p>	<p>In this section, it is important to mention that this is the “post-compulsory” stage of education.</p> <p>While everyone has a right to higher education, it is not legally justiciable since admission into higher education is based on a selection process that involve rigorous selection criteria depending on the seats available.</p> <p>The purpose of higher education is to create a highly professional group of graduates for the labour market as well as for academic purpose.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<p>Article 17. Out-of-school education</p> <p>To meet the individual needs of children and adolescents, organizing their free time and rest, state bodies, public associations, as well as other legal and physical persons can create out-of-school educational institutions of cultural, aesthetic, scientific, technical, sports and other areas.</p> <p>Out-of-school educational institutions include palaces, houses, clubs and centers for children's and youth creativity, children's and youth sports schools, art schools, music schools, studios, libraries, health and other institutions.</p> <p>The procedure for creating and operating out-of-school educational institutions is determined by law.</p>	<p>It is important to mention that the "out-of-school" education is complementary to compulsory education and not a substitute for the same.</p> <p>This type of education can be availed by anyone any time and neither "free" nor "compulsory", and participation is voluntary and based on one's economic ability and interest.</p>
<p>Article 18. Education in the family and self-education</p> <p>The state promotes education in the family and self-education. Education of children in the family and self-education is carried out according to the programs of the corresponding educational institutions. The authorized state institutions provide students with methodological, advisory and other assistance.</p>	<p>This type of education happens through "distance education" or "correspondence courses". It is important to mention which stage of education falls under this type of education – whether general secondary education which is compulsory fall under this or only education at higher education level.</p>
<p>Article 19. Documents on education</p> <p>Graduates of accredited educational institutions are issued a document on the formation of a state sample (certificate, diploma, certificate). The document on the formation of the state sample is also issued to persons who have received education in the family or through self-education and passed examinations in accordance with the corresponding training programs of accredited educational institutions, with the exception of specialties whose training in state educational institutions is mandatory and whose list is determined by the Cabinet of Ministers of the Republic of Uzbekistan.</p> <p>To the diploma of higher education is attached a loose leaf with a list of mastered disciplines, their volumes and estimates.</p> <p>Those who defended the thesis are awarded an academic degree of Doctor of Science in accordance with the established procedure and issued a state diploma.</p>	<p>It is important to mention the type of documentation attached to qualifications. For example, defending thesis is related to doctoral education.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<p>In accordance with the state educational standards, on the basis of bilateral agreements between the governments of the Republic of Uzbekistan and foreign countries, mutual recognition of educational documents in the established order can be carried out.</p> <p>Persons who have not completed the education of the corresponding level are given a certificate of the standard form.</p> <p>The state document on education gives the right to continue education in educational institutions of the next stage or to work in the relevant specialty.</p>	
III. SOCIAL PROTECTION OF PARTICIPANTS OF THE EDUCATIONAL PROCESS	
<p>Article 20. Social protection of the student</p> <p>Students trained in an educational institution in accordance with legislation and regulations are provided with benefits, scholarships and a place in the hostel.</p>	<p>It is not clear what is the basis of provision or selection of students for certain type of social protection. It is important to specify the basis on which students are usually selected for scholarships or accommodation.</p>
<p>Article 21. Social protection of employees of educational institutions</p> <p>Employees of educational institutions are assigned a shorter working time, an annual extended paid vacation and benefits provided for by law.</p> <p>Educational institutions within the available means to pay for labor have the right to independently establish differential premiums for rates, official salaries and apply various forms of payment and labor incentives.</p>	<p>The working conditions of the employees of the education system should be in alignment with the state rules on labour/ personnel.</p>
<p>Article 23. Education of children and adolescents with disabilities in physical or mental development</p> <p>For the education, upbringing and treatment of children and adolescents with disabilities in physical or mental development, as well as those who need long-term treatment, specialized educational institutions are created. The direction of children and adolescents in these educational institutions and deductions from them is made at the conclusion of a psychological-medical-pedagogical commission with the consent of the parents or other legal representatives.</p> <p>Students of specialized educational institutions are on partial or full state support.</p>	<p>The creation of specialized educational institutions or the provision of education in specialized institutions are not appropriate in the context of international treaties dealing with inclusive education. Education in special institutions follow a medical approach to dealing with disabilities and not the social approach accepted around the world. Every child should have a right to equal education, including children with disabilities.</p> <p>The Law should be revised to reflect a paradigm shift in approach to the education of children/adolescents /youth with disabilities to reflect a more inclusive education approach. The Law should provide for progressively achieving inclusive education over stipulated period of time.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<p>Article 24. Educational institutions for persons in need of social assistance and rehabilitation</p> <p>For children and adolescents in need of special conditions of upbringing and education, specialized educational and training institutions are created, which ensure their education, vocational training and social rehabilitation.</p> <p>For persons held in institutions for the execution of punishment in the form of deprivation of liberty, conditions are created for obtaining education and self-education in the manner prescribed by law.</p>	<p>The Law should also reflect the need for preparing teachers and educational institutions to accept a more inclusive education (and not integrated education).</p> <p>While adults can be held in institutions for the execution of punishment in the form of depriving liberty, children should not be treated in similar way. Hence, for children and adolescents in need of special conditions should be provided with integrated education and supported education. The Law may be revised to reflect the same.</p>
IV. MANAGEMENT OF THE SYSTEM OF EDUCATION	
<p>Article 25. Competence of the Cabinet of Ministers of the Republic of Uzbekistan in the field of education</p> <p>The competence of the Cabinet of Ministers of the Republic of Uzbekistan in the field of education includes:</p> <ul style="list-style-type: none"> • Implementation of a unified state policy in the field of education; • Management of public education authorities; • Development and implementation of educational development programs; • Establishment of the procedure for the creation, reorganization and liquidation of educational institutions; • Determining the procedure for accreditation of educational institutions, attestation of pedagogical and scientific personnel; • Issuance of permits for the right to engage in educational activities to educational institutions of other countries on the territory of the Republic of Uzbekistan; • The definition of the procedure for the recognition and establishment of the equivalence of documents of foreign states on education in accordance with the law; • Approval of state educational standards; 	<p>The terminology as “competence” of the authorities, any for that matter, is not appropriate in the context of a rights-based approach. The language related to the authorities regarding education should reflect “obligations” or “duties” and not authority. Hence the approach of this section should be more towards the state /governmental obligations.</p>

Current Provisions	UNICEF's Comments/ Suggestions
<ul style="list-style-type: none"> • Approval of documents on the formation of the state pattern and the establishment of the procedure for issuing them; • The establishment of the number of state grants and the procedure for admission to educational institutions; • Appointment of rectors of state higher educational institutions; • Establishing the procedure for transferring students from one accredited educational institution to another; • Other powers in accordance with the law. 	
<p>Article 28. Management of educational institution</p> <p>Educational institution is managed by its manager.</p> <p>bodies of public administration can be established in the educational institutions, which operate in accordance with the law.</p>	<p>Here, it is also important to reflect the role of community in the management of educational institutions.</p> <p>The following provisions may be included in the revised Law:</p> <p>“A School shall constitute a Parents-Teachers Association (PTA) or Parents/ Community Committee consisting of the representative of the Makhalla committee, parents /guardians of the children attending the school and school teachers and authorities;</p> <p>The committees should ensure adequate representation of parents /guardians of children belonging to socially and economically disadvantaged groups</p> <p>The parents Committee shall perform the following functions:</p> <ul style="list-style-type: none"> • monitor the working of the school; • prepare and recommend school development plan; • monitor the utilization of any school grants or other resources received from national or local governments • perform any other functions as prescribed <p>Every School Management Committee (or Parents Committee) shall prepare a School Development Plan</p> <p>The School Development Plan so prepared shall be the basis for the plans and grants to be made by the national or local governments”</p>

Current Provisions	UNICEF's Comments/ Suggestions
V. FINAL PROVISIONS	
<p>Article 30. Duties of parents or legal representatives</p> <p>Parents or legal representatives of minor children are obliged to protect the legitimate rights and interests of the child and are responsible for their education, they receive pre-school, general secondary, secondary special and professional education.</p>	<p>While the Law specifies the duties of parents, the Law is silent on the entitlement/rights of parents, including their right to know about their ward's academic performance, children's entitlements regarding their right to education, including free provisions; participation in the school management committees, especially preparing school development plans, implementation of school improvement activities, utilization of school funds etc.</p>
<p>Article 31. Financing of education</p> <p>Financing of public educational institutions at the expense of the republican and local budgets, as well as extra-budgetary funds.</p>	<p>While the Law states that the government will finance education in the country, the Law does not elaborate on the mandatory share of budgets or GDP, nor the provisions for various aspects of education.</p>

8. Overall Analysis

Whether the Law addresses the Right to free and compulsory education in an adequate manner? International treaties state that education should be free at the primary level and made progressively free at secondary and higher levels. The Law on Education (1997) has a very limited take on the Rights based Education approach. Article 4 of the Law is titled “The Right to Education”. The article says: “everyone is guaranteed equal rights to receive education, regardless of gender, language, age, race, nationality, beliefs, attitudes towards religion, social origin, occupation, social status, place of residence, length of residence in the territory of the Republic of Uzbekistan”. The Law thus guarantees accessibility to education and explains ‘right to’ as well as ‘right in’ education.

While all international human rights treaties assert the right to education without reference to age, clear priority is accorded to young learners, and governments are obliged to provide free and compulsory education for all children.

However, access cannot be defined in a uniform manner – access is defined differently for different levels of education. While most governments around the globe are obliged to secure access to education for all children in the compulsory education age-range, which is usually up till primary or elementary education levels, in Law on Education in Uzbekistan mandates compulsory education for secondary education. Compulsory education is ought to be free of charge while post-compulsory education may entail the payment of tuition and other charges and could thus be subsumed under ‘affordability.’

Under Article 4, the Law says ‘free education under state programmes of education and training’. However, this article has the following issues in its specification:

- The Article does not specify whether the free education stage is also the compulsory education stage;
- The Article has not specified what stage(s) of education and which age groups are eligible for free education;
- What constitute ‘free education’ – the article is unclear on the direct and indirect costs that will be removed causing financial barriers to access education (for example, in many countries like India, which has introduced free education at primary/elementary levels, children are entitled to all text books free of costs. However, in Uzbekistan, students have to pay an amount for renting out textbooks that they finally need to return)

Similarly, under Article 3 of the Law (Basic principles of state policy in the field of education), it is mentioned that ‘compulsory general secondary education, as well as secondary specialized vocational education’. This implies that in Uzbekistan, general secondary education of 9 years is compulsory for children. However, this article also suffers from the following shortcomings:

- This article does not specify whether the compulsory education stage is also free; and
- There is no specification of the age groups that should attend the compulsory education stage.

Overall, the national Law on Education (1997) *does not have a clear definition of right to free and compulsory education in one place.*

Whether the Law addresses the Right to non-discrimination in education in an adequate manner? As per this, there should not be any distinction in provision of education based on gender, race, colour, language, religion, political opinion, nationality, ethnicity status, disability or any other status. Article 4 of the Law on Education (1997) states that “everyone is guaranteed equal rights to receive education, regardless of gender, language, age, race, nationality, beliefs, attitudes towards religion, social origin, occupation, social status, place of residence, length of residence in the territory of the Republic of Uzbekistan”.

However, this article is a general statement and does not identify the challenges of inequities and discrimination often manifest through different outputs and outcomes in the sector. The article mentions that ‘everyone

is guaranteed equal rights to receive education`, however it does not qualify that `everyone is guaranteed equal rights to receive uniform or non-discriminatory education`.

One of the major omissions in the list of people who are guaranteed equal rights to receive education are the children with disabilities. This means that the current legislation allows for different forms of special and segregated education for children with special needs and disabilities. In fact, inclusive education (IE) as a topic never got any mention in the current law on education.

Article 23 of the Law talks about `education of children and adolescents with disabilities in physical or mental development`. However, as per this article, special institutions are created for educational upbringing and treatment of children and adolescents with disabilities in physical and mental development and those who need long-term treatment. This is totally against the principles of inclusive education policies.

Article 8 of the Law on Education addresses the issue of Language of instruction. However, the article doesn't say much about the legal basis of language of instruction and languages as subjects except that the procedure for using the language of instruction in educational institutions is regulated by the Law of the Republic of Uzbekistan `on State Language`.

Whether the Law addresses the Right to adequate infrastructure? As per this right, there should be accessible and barrier free school facilities. In the current Law on Education (1997) of Uzbekistan, this right is somewhat addressed through Article 6 `Legal status of an educational institution`. The Article states that `accreditation of the educational institution is carried out by the authorized state body on the basis of certification and state accreditation in accordance with the procedure established by the Cabinet of Ministers`.

Whether the Law guarantees a right to quality trained teachers? This right indicates that an educational institution should have a sufficient number of teachers who have received good quality pre-service and in-service training with built-in components on gender sensitivity, non-discrimination, and human rights and teachers also should have their rights to domestically competitive salaries.

In the existing Law on Education, teacher issues are addressed only in two situations:

- Article 27 on the competence of state authorities in the field of education states that the local public authorities should `ensure compliance with state requirements for the quality and level of education and professional activity of teachers`.
- Article 26 on the competence of authorized State Educational Management Bodies states that the competence of the authorized state bodies for management of education includes `organization of training, advanced training and retraining of teachers`.

These two articles comply with the requirements that teachers should have received good quality education and training. However, it does not specify whether teacher salaries should be in compliance with domestically competitive salaries. Currently, teachers' salaries remain low in Uzbekistan, amounting to only 63 per cent of the national average salary¹. The construction industry's wage averaged 3.4 times higher than those of teachers, and those in the trade sector made 2.2 times higher². Wage differentials can seriously impact the quality of education by reducing the prestige of the teaching profession, attracting less qualified individuals and demoralizing those who see education as their long-term career.

Whether the Law addresses any provision for children's right to a safe and non-violent environment? This right is concerned about the safety and non-violence concerning children in educational institutions. Clear anti-bullying policies and confidential systems for reporting and addressing any form of abuse or violence should be in place.

The Law is silent on children's right to a safe and non-violent environment. There is no provision in the Law for children to report abuse or violence in a confidential manner. Instead, there is Article 24 which looks at persons in need of social assistance and rehabilitation and educational institutions for the same.

1 Ministry of Public Education data and study of salaries across various sectors of the economy

2 United Nations Educational Scientific and Cultural Organization Institute for Statistics, 2006. Teachers and Educational Quality: Monitoring Global Needs for 2015. UNESCO UIS, Montreal.

Whether the Law provides for right to relevant and quality education? This right states that the curriculum should not discriminate and should be relevant to the social, cultural, environmental, economic context and language of the learners. The Law on Education (1997) does not make any references to the curriculum of the country. However, Article 7 on State Educational Standards states that 'State Educational Standards will determine the requirements for the content and quality of general secondary, secondary specialized, professional and higher education and that the implementation of these standards is mandatory for all educational institutions of the Republic of Uzbekistan.

Whether the Law provides for right to know one's rights? As per this right, schools should teach human rights education and children's rights in particular. Learning should include age-appropriate and accurate information on sexual and reproductive rights. However, the Law on education is currently not providing for the same. Schools need to have transparent and effective monitoring systems. Both community and children should be able to participate in accountable governing bodies, management committees and parents' groups. However, the Law is silent on these matters.

9. Key Suggestions/ recommendations for revising the Law on Education

- In its present form, the Law on Education is highly oriented towards establishing the authority of the State/ government and state provisions. This is not in compliances with international best practices of legal basis for providing education. Rights-based approaches have taken centre-stage in recent discourses on education policies. A rights-based approach to Education for All is a holistic one, encompassing access to education, educational quality (based on human rights values and principles) and the environment in which education is provided. Rights based approach to education means that every child is assured of a quality education that respects and promotes her or his right to dignity and optimum development. **Hence the revision of the Law on Education should adopt a rights-based approach as the basis for the revised Law on Education.**
- A rights-based law on education will have two main functions: (a) to reflect the rights of the children/ individual visa-vis education; and (b) obligations of the government /State visa-vis ensuring quality provision of education. Unfortunately, Uzbekistan’s Law on education (including the new draft Law on Education) focuses excessively on the Government powers, positions and provisions and its authorities. In the draft, Law on Education, the rights of the students is relegated to be the middle of the draft Law (chapter 6, Article 44). **UNICEF would like to recommend that the rights of the children/ children be brought as one of the early chapters in the Law.**
- The existing Law on Education (as well as the latest draft of the new Law on Education) is organized in several chapters and articles. However, the text of the Law is not organized in an appropriate manner. As the written content of the Law mixes up provisions for various stages of education (preschool, general secondary, higher education and other stages) as well as various components of an education results framework (input, processes, outputs and outcome activities), it fails to convey concise or clear messages about the Law. This “hotchpotch approach” or a “Christmas tree approach” thus presents a confusing picture about the quality and provisions of the law. **UNICEF recommends that the various provisions under the Law on Education be organized in such a manner that it is comprehensible to laymen in an easy manner (At least in the English translated version, the overall flow and easiness of language was missing).**
- The Law on Education (1997) as well as the revised version (May 2018) fall short of fully reflecting “free and compulsory” stage of education in an adequate manner. Article 4 of the current Law on Education as well as Article 5 of the revised version of the Law discusses the State Guarantees on the right to education. Article 3 of the current Law and Article 4 of the draft revised Law considers general secondary education as the compulsory education stage. Similarly, both Article 4 of the current Law on Education as well as Article 5 of the revised version still speaks only about state provision for **free** general secondary and secondary specialized education. The Law however, shies away from specifying that the general secondary education stage is both free and compulsory stage of education. **UNICEF reiterates its recommendation that the State guarantees also looks at “free and compulsory education”, together, in a more coherent manner.**
- Both articles specify “equal rights to education for all” to receive education, irrespective of gender, language, age, race, nationality, beliefs, attitudes towards religion, social origin, occupation, social status, place of residence, length of residence in the territory of the Republic. However, one major category of children absent in the framework is the children with disabilities. **UNICEF recommends that the revision of Law re-examine this factor and revise the clause accordingly. The Law could also include in the article related to children with disabilities a provision that “a child with any physical or other disability, as defined in the appropriate documents/law, shall have the right to pursue free and compulsory education in accordance with the provision of equal rights to education and rights to non-discrimination as provided in the Law”.**
- Article 11 of the current Law on Education (1997) mentions that preschool education can be availed by children up to 6-7 years in government or non-state kindergartens, Article 8 of the new (revised) draft Law talks about “compulsory” preschool education for children aged 6-7 years of age. In the same article, the draft Law also specifies that students of the state-funded public preschools are entitled to subsidized education and make a nominal payment. As the current spaces in state-funded preschool education

facilities may not be sufficient to accommodate large number of children for whom preschool education now becomes a compulsory obligation, the compulsory part of preschool education may put additional economic burden. As the current draft Law do not guarantee free and compulsory education, but provides for compulsory education, **UNICEF would like to make the following recommendations to improve the provisions of the article: (a) the Article may be revised to reflect the possibility of progressive realization of compulsory preschool education of one year or the partial guarantees; and (b) progressive realization of free preschool education.**

- The current Law on Education (1997) do not specify any specific age of entry or exit for free and compulsory education stage. The draft new Law however, has provided an age at entry into grade 1 – Article 9 of the draft Law now says that “children are enrolled to the first grade of the school at the age of 7 as on 2 September every year”. However, with this introduction, the draft Law is only specifying compulsory education beginning age and not ending age. In the same article, the draft Law mentions that “11 years of continuous general secondary and specialized secondary education of compulsory nature will be organized”. **It is important, with the general secondary education years now determined at 11 years of age that the draft Law also mentions about the age at which the free and compulsory education ceases for the individual. UNICEF recommends that the draft Law also includes the age at which compulsory education ends.**
- Ideally, the Law should specify the conditions of admission of a child to school. **The Law should specify abolition of any screening process for selecting a child to the school for the free and compulsory education stage.** This should also include prohibition of charging any fees for admission of a child to a school. The law may include a provision stating that “while admitting a child to a school, it is prohibited to collect any fees or subject a child or parents to any type of screening process”.
- The does not talk about parental choice of schools for their children, nor conditions of moving from one school to other. The Law should be modified to reflect parental choice of educational institutions for their children in the free and compulsory education stage. The Law should also be revised to show that **“Where a child is required to move from one school to another, either within a region or another region, for any reason whatsoever, such child shall have the right to seek transfer to another school for continuing his/her education”.** The Law should further elaborate how this can be facilitated. In order to facilitate seeking admission to another school, the Principal of the current school is liable to issue a transfer certificate. However, a delay in issuing such transfer certificate should not be held against a child for not allowing him/her to attend classes. A principal who delays issuing of transfer certificate should be liable for appropriate action. The Law could reflect these provisions.
- Article 8 of the current Law on Education is retained as Article 28 in the new draft Law on Education, and it specifies the language of instruction to be used in education institutions. The article says that the “procedures on selection of the language in educational institutions will be regulated by the Law of the Republic of Uzbekistan “On State Language”. Article 5 of the Law on State Language states that the “establishment of preschool institutions using official language and in the territories where other linguistic groups are in high density, using their native languages shall be provided. Similarly, Article 6 of the same Law states that individuals are granted the right to choose language of education. **UNICEF recommends that these provisions be explicitly stated in the draft new Law on Education.**
- Article 6 of the Law on Education on the legal status of educational institutions specify that “accreditation of the educational institution is carried out by the authorized state body on the basis of certification”. **It is important that the Law also specifies that the authorized state body does the certifications based on a set of norms and standards for operating an educational institution.** The norms and standards are prescribed in the SanPIN, or the State documents on sanitary rules, norms and hygiene conditions as well as standards on school building. Where schools fall short of compliance due to wearing out or for natural calamities and disasters, the law should make provisions for the government to support the schools to ensure that they met the required norms and standards.
- An important gap in the current Law (1997) is with respect to the role of community in school based management and school development plans. **The Law may make it mandatory that schools should constitute Parents-Teachers Committee** consisting of the representatives of the Makhalla Committees, parents/guardians of the children, children of the school and school teachers and authorities. The committees should ensure adequate representation of parents /guardians of children belonging to socially

and economically disadvantaged groups. The Law may specify the functions of the PTA in terms of: monitor the working of the school; prepare and recommend school development plan; monitor the utilization of any school grants or other resources received from national or local governments; and perform any other functions as prescribed by the school charter. The Law may prescribe that every School Management Committee (or Parents Committee) shall prepare a School Development Plan (SDP) and the SDP so prepared shall be the basis for the plans and grants to be made by the central or local governments.

- Regarding teachers, at present, the Law on Education (1997) talks only about the “right to engage in teaching activities” as provided in article 5. The article states that “the right to engage in teaching activities is provided by persons with appropriate education, professional training and possessing high moral quality”. The article also talks about who is prohibited in engaging in pedagogical activity. **It is recommended that the title of the article could be modified as “Qualifications for recruitment of teachers and terms and conditions of service of the teachers”.** The current provision stating those with appropriate education, professional training and possessing high moral quality is misleading, in the sense that it provides that the job of a teacher is an entitlement of any one with education and professional training. This provision could be rephrased as “any person possessing qualifications as laid down by the national academic authority, authorized by the national government by notification, shall be eligible for selection/recruitment and appointment as teacher”. The Law should ensure that teachers shall be appointed to maintain prescribed Pupil-Teacher Ratio and Student-classroom Ratio; at the same time, ensuring that the economic inefficiencies are mitigated by rationalizing the number of teachers required in the school rather than maintaining uneconomic/inefficient vacancies.
- The current law (1997) does not mention any obligations or duties of teachers or pedagogical staff. **A provision under the article on teachers could be laid down to reflect what teachers and other pedagogical staff, appointed as per the terms and conditions laid down by the authorities/Law should do as part of their duties.** These duties could include: maintaining discipline, regularity and punctuality in attending the school; carrying out instructional activities to complete the curriculum within the specified time; assess the learning ability of each child and design and supplement additional instructional support accordingly, as required; meet parents/guardians on a regular basis to appraise them about children’s development, ability to learn, progress made in learning in accordance with the curricula, and any relevant information about the child; and perform other duties as may be prescribed.
- The Law could include provisions for disciplinary actions against teachers if she/her defaults on performing his/her duties under the service rules applicable. At the same time, there could be provisions for redressing any grievances of the teachers as needed. Another important aspect that the Law needs to address regarding teachers’ services is related to the use of teachers for non-educational purposes. **The Law may specify prohibition of deployment of teachers for any non-education related purposes/duties.** No teacher should be deployed for any non-educational purpose other than the disaster relief activities.
- At present the Law on Education (1997) does not specify any provisions regarding the quality of education. Article 7 states that State educational standards will determine the requirements for the content and quality of education and that all educational institutions are expected to adhere to the same. **It is recommended that the Law on Education may include specific articles to reflect various provisions regarding quality of education.** Regarding curriculum, the Law may include provisions reflecting how curriculum and evaluation procedures for education is laid down by an authorized authority; what are the considerations that the authorized academic authority should take while laying down the curriculum and evaluation procedures (including considerations such as: conformity with the values enshrined in the constitution; all-round development of the child; building children’s knowledge, competence, potentiality and talent; development of physical and mental abilities to the fullest extent; learning through activities, exploration etc.; mother tongue education; fear free environment and content etc.)
- The current Law on Education (1997) have not touched upon the importance of monitoring of education inputs, processes, outputs and outcomes, nor the value of evaluations to learn from experiences. The revision of the Law on Education may include provisions for monitoring, research and evaluations in education sector. A strong monitoring system, unified and integrated, yet providing disaggregated analysis is important to for monitoring the progress of the education sector activities and outcomes, but also for ensuring evidence-based planning. The Law may provide for evidence-based planning and implementation of education programmes and strong evidence-based decision making.

Conclusion

Periodic revisions of the Law on Education is important to update the legal base for education reforms and finetuning strategies. The decision to revise the Law on Education in Uzbekistan is a timely decision. In conclusion, it can be suggested that the revised law:

- should reflect a more rights-based approach (children's right to education) to education;
- speaks the language that reflect "equitable" provisions than "equal" provision; including a strong move towards "inclusive education" than "special education";
- has a stronger focus on quality of education, including improvements in learning outcomes;
- has a focus on stronger teacher workforce development policies and academic support systems provides a legal basis for stronger monitoring and evaluation, including conducting of national and international learning assessments;
- Stroger focus on transparency and accountability and community's involvement in school based management and monitoring of school activities; and
- Focus on learner friendly and conducive environment in schools; stronger legal support for abolishing any type of corporal punishment or mental harassment.

References

Government of Uzbekistan; 1997: Law of the Republic of Uzbekistan "On Education", Gazette of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9, Article 225, 2013, No. 41, Article 543.

Government of Uzbekistan; 2007: Law of the Republic of Uzbekistan "On the Guarantees of the Rights of the Child" Adopted by Legislative Chamber, November 23, 2007; Approved by the Senate, December 1, 2007.

Government of Uzbekistan; 2017: The Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On Approving of the State Educational Standards for General Secondary, Secondary Specialized and Vocational Education" (Collection of legal acts of the Republic of Uzbekistan, 2017, #14, Article 230).

Government of Uzbekistan; 2017: "Strategy of Actions on Five Priority Directions of Republic of Uzbekistan 2017-2021. <http://strategy.gov.uz/en>

Tomasevski, Katarina. 2004. Manual on rights-based education: global human rights requirements made simple. Bangkok: UNESCO Bangkok.

Tomasevski, Katarina. 2004. Human rights obligations: making education available, accessible, acceptable and adaptable; Right to Education Primers No. 3; Swedish International Development Cooperation Agency, SIDA.

UNESCO. 2016: Implementing the Right to Education: A Compendium of Practices: Based on the Eighth Consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (2011-2013) (<http://www.unesco.org/open-access/terms-use-ccbysa-en>)

UNESCO. 2014: The Right to Education: Law and Policy Review Guidelines. <http://unesdoc.unesco.org/images/0022/002284/228491e.pdf>

UNESCO. 1960: Convention against Discrimination in Education: Adopted by the General Conference at its eleventh session, Paris, 14 December 1960 http://www.unesco.org/education/pdf/DISCRI_E.PDF

UNESCO. 1990: World Declaration on Education for All and Framework for Action to meet Basic Learning Needs; Adopted by the World Conference on Education for All Meeting Basic Learning Needs, Jomtein, Thailand. <http://unesdoc.unesco.org/images/0012/001275/127583e.pdf>

UNESCO. 2000; Final Report, World Education Forum, Dakar, Senegal; 26-28 April 2000.

UNESCO. 2000; The Dakar Framework for Action: Education for All: Meeting Our Collective Commitments; Adopted by the World Education Forum Dakar, Senegal, 26-28 April 2000 Including six regional frameworks for action; World Education Forum, Dakar, Senegal; 26-28 April 2000. <http://unesdoc.unesco.org/images/0012/001211/121147e.pdf>

UNHR. 1966: International Covenant on Economic, Social and Cultural Rights; Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27; <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>



United Nations Children's Fund

16, "Poytakht" Business Centre,
Sharaf Rashidov Street,
Tashkent - 100029

Tel: (+998-71) 2339512
www.unicef.uz