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#### REGIONAL OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND CENTRAL ASIAN COUNTRIES

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This report-article analyzes the issues of cooperation between Central Asian countries and the regional office of the United Nations High Commissioner for Human Rights. The establishment of a Regional Office in Bishkek (Kyrgyzstan) in 2008 and its activities, which cover Kazakhstan, Tajikistan, Kyrgyzstan, Turkmenistan, and Uzbekistan, are considered. It highlights the specifics of the Regional Office's cooperation with the countries of the region on human rights and freedoms. The mandate of the Regional Office allows interaction with Governments, international organizations, and representatives of civil society, which contributes to the development and implementation of programs for the protection of human rights and freedoms.

Examples of recommendations from OHCHR include advice to States on improving legislation in line with international human rights standards, on ensuring the safety and protection of human rights defenders, as well as proposals to combat discrimination and strengthen mechanisms for their protection. These recommendations are aimed at supporting countries in respecting and promoting the basic principles of human rights.

In this regard, we would like to emphasize that the Regional Office of the United Nations High Commissioner for Human Rights for Central Asia welcomed the acquittal handed down by the Pervomaisky District Court of Bishkek (Kyrgyzstan) on December 4, 2023 in the case of young blogger Yrys Dzhekshenaliev. He could have been punished with 7 years in prison on the basis of article 278 of the Criminal Code of the Kyrgyz Republic on the prohibition of calls for mass riots after he published critical essays on social networks [1]. The central and local UN bodies jointly contributed to the fact that Kyrgyzstan refrained “from using criminal prosecution as a tool to suppress critical coverage of issues of public interest” [2]. Such cooperation of local and central UN

units with representatives of Kyrgyz civil society has led to the real protection of the rights and legitimate interests of the Kyrgyz human rights defender. But these are isolated facts. The UN Regional Human Rights Agency and specialized human rights institutions in all 5 states of the region could develop a single provision for the entire region and for each country on the need for scrupulous observance of the rights and legitimate interests of human rights defenders seeking to protect the rights and freedoms of citizens. The Department cooperates with government agencies to protect human rights and promote the adoption of laws that comply with international human rights standards. By actively interacting with civil society, the office supports the expression of independent opinions. In addition, it regularly provides recommendations on a comprehensive analysis of human rights in UN programs, including human rights approaches and methods of working with digital data. It holds educational sessions for UN partners, government agencies, civil society, non-governmental organizations and other stakeholders in the field of human rights. The Regional Office has made an important contribution to the field of human rights, praising the implementation of the United Nations Framework Programme for Cooperation for Sustainable Development in countries such as Uzbekistan and Turkmenistan. During the COVID-19 pandemic, the Regional Office actively shared expert recommendations in the field of human rights in order to overcome the negative consequences of the pandemic [3].

At the same time, other UN regional human rights institutions operating in other parts of the world face problems such as limited access to information, as well as a lack of transparency in government activities, which makes it difficult to conduct real human rights monitoring and assessment of the situation. In turn, in Europe and Africa, their institutions face national conflicts, migration and inequality, which creates its own difficulties in protecting the rights of all population groups in these regions [4]. These differences in the nature of the problems have an impact on the activities of a particular regional institution. For example, in situations where problems relate to restrictions on freedom of expression and access to information, institutions may also face limitations in their ability to act and monitor the human rights process in the relevant region. At the same time, this allows the regional institution to delve more deeply into the essence of violated human rights and freedoms, which increases the effectiveness of such an institution in the future.

The UN regional human rights institutions in each of these regions (Central Asia, Europe and Africa) have achieved significant success in their work. Differences in problems have not prevented these institutions from achieving important human rights results. It is very important for the Central Asian human rights institution to draw on the experience of the analyzed activities of similar institutions in the regions of Europe and Africa. Using such experience, the Central Asian institution contributes more to improving access to justice and ensuring equal opportunities for all citizens of the region. By carrying out such actions, taking into account the borrowed experience, the Central Asian institution in to a greater extent, it could contribute to the development of necessary laws, conducting educational campaigns, and supporting weak and vulnerable groups of society. They also relate to the improvement of the judicial system, the creation of necessary mechanisms for the protection of human rights and the development of policies that promote their observance.

An analysis of the work of regional human rights institutions in Central Asia highlights the need for a comprehensive approach to improving the situation. The results are achieved not only through internal efforts, but also through cooperation with international organizations of various profiles.

It should be noted that the Central Asian regional UN human rights institution practically did not participate in the investigation of the consequences after the events of Kantar 2022 in Kazakhstan, protest movements in Kyrgyzstan and some other states of the region. This should be a part of the subsequent work of the institution.

For some reason, the regional office of human rights and other similar international structures related to human rights and freedoms are not closely related to human labor rights. Meanwhile, this is a very sensitive area where human rights are violated on the basis of the emerging boss-subordinate relationship. There is an International Labor Organization, but it is more concerned

with the general issues of the relationship of the triangle "employee – employer – trade union leader". Traditional universal and regional structures, including the Central Asian Office for Human Rights, could find their niche in this field of work. For example, social workers have low wages [5], frequent sexual harassment in the workplace, arbitrary dismissals of employees, and other common problems [6]. It seems that the Regional Central Asian Institution for Human Rights could sign a separate cooperation agreement with each of the 5 States of the region on the protection of human rights at work.

Various fraudulent schemes are being developed and implemented around the human right to housing in all states of the region, people often lose considerable sums and remain without apartments. The UN Regional Office for Human Rights, specialized state human rights bodies, general and special non-governmental organizations should combine their efforts in order to provide real housing for citizens of the countries of the region [7].

The UN Regional Central Asian Office for Human Rights could switch to digitalized relationships with Human Rights Commissioners, Human Rights Commissions under the Presidents of all states of the region using artificial intelligence technologies and other latest technologies [8]. If all these structures could switch to electronic document management to begin with, then this would significantly accelerate the consideration of complaints and applications from citizens of our states in the region regarding violated human rights and freedoms.

Human rights in every State are clearly implemented in the presence of professional and honest justice. If there is a corrupt and sick justice system in the country, then it is hardly possible to talk about the existence of human rights in the country. We can try to create a Central Asian court in our region, whose chairman and members could be judges from Western countries on a competitive basis (in the likeness of AIFC judges). Such a court would operate under the same legal schemes and provisions as the European Court of Human Rights. Its decisions could become binding on the courts and other government agencies of all 5 Central Asian countries. To do this, we could first develop and adopt the Central Asian Convention for the Protection of Human Rights, similar to the European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950. Each of the 5 Central Asian countries could adopt the following laws "On the promotion of Central Asian justice", "On the realization of civil and political rights of citizens", "On the implementation of economic, social and cultural rights of citizens", "On the non-proliferation of immunity of judges in relation to corruption crimes and offenses committed by them", "On criminal liability of judges for violation of the norms of procedural legislation". A country that does not wish to move in this legal direction can be considered authoritarian. With this approach, the Central Asian UN human rights institution will create conditions within which it is possible to easily exercise all human rights and freedoms in each country and in the region as a whole.

The strategies of the Central Asian countries emphasize the importance of fighting corruption, providing assistance to human rights defenders who actively advocate for human rights, as well as informing the population about human rights in order to build a more just and equitable society. We call on the UN Regional Human Rights Agency to move towards expanding real measures to protect human rights and freedoms in every State in the region.

In conclusion, it should be noted that the cooperation of the Central Asian countries with the Central Asian regional office of the Office of the United Nations High Commissioner for Human Rights gives an important dynamic of development in the field of protection and promotion of human rights in this region.

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## НОРМЫ ФОРМИРУЮЩЕГОСЯ МЕЖДУНАРОДНОГО УГОЛОВНО-ПРОЦЕССУАЛЬНОГО ПРАВА В ТЕОРИИ И ПРАКТИКЕ УГОЛОВНОГО ПРОЦЕССА РЕСПУБЛИКИ КАЗАХСТАН

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Применение международно-правовых норм необходимо для устранения пробелов уголовно-процессуального законодательства и приведение его в соответствии с нормами и принципами международного права.

Следует однозначно отметить, что предмет регулирования международного уголовно-процессуального права выходит за пределы уголовно-процессуальных отношений, определенных внутренним национальным законодательством. Именно, в этом, сказывается уникальность и своеобразие международных норм, как самостоятельной системы права, которому присущ и обширный комплекс отношений, носящих процессуальный характер для субъектов международного права. В данном случае, подразумеваем государственные органы уголовного преследования и суды.

Представляется, что международное уголовно-процессуальное право, как самостоятельная формирующаяся отрасль международного публичного права должна регулировать отношения в нескольких направлениях:

Первое направление: общие вопросы казахстанского уголовного процесса и особенности производства по уголовным делам с участием иностранного элемента.

1. Полагаем необходимым отметить, что в сфере общих вопросов казахстанского уголовного процесса нормы международного уголовно-процессуального права закрепляют задачи уголовно-процессуального законодательства, определяют формы уголовного процесса и юрисдикцию уголовно-процессуального закона. Так, например, ст.16 Договора между Республикой Казахстан и Кыргызской Республикой об оказании правовой помощи по гражданским и уголовным делам от 26 августа 1996 года предусмотрено «при оказании правовой помощи запрашиваемое учреждение применяет законодательство своего государства. По просьбе запрашивающего учреждения запрашиваемое учреждение может применять в отношении способа и формы исполнения процессуальные нормы запрашивающей Договаривающейся Стороны, если они не противоречат законодательству запрашиваемой Договаривающейся Стороны[1]. Также в ст.4 УПК РК обозначено что, «применение на территории Республики Казахстан уголовно-процессуального права