



## THE ADOPTION SYSTEM IN THE REPUBLIC OF UZBEKISTAN IN THE CONTEXT OF INTERNATIONAL CHILD PROTECTION STANDARDS

**Muxlisa Eshonova**

PhD student at the National University of Uzbekistan

E-mail: [muxlisaeshonova@mail.ru](mailto:muxlisaeshonova@mail.ru)

Tashkent, Uzbekistan

<https://doi.org/10.5281/zenodo.18490348>

### ARTICLE INFO

Received: 24<sup>th</sup> January 2026

Accepted: 30<sup>th</sup> January 2026

Online: 31<sup>st</sup> January 2026

### KEYWORDS

*Adoption; adoption system; children's rights; international standards; intercountry adoption; family law; judicial practice; Republic of Uzbekistan.*

### ABSTRACT

*This article examines the adoption system of the Republic of Uzbekistan in the context of international standards for the protection of children's rights. The study analyzes the development of the national adoption model, the specific features of legal regulation and institutional mechanisms, as well as the role of judicial practice in ensuring the best interests of the child. Particular attention is paid to the correlation between the norms of national family law of the Republic of Uzbekistan and international legal instruments, including the UN Convention on the Rights of the Child and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The article identifies key challenges related to the implementation of international standards into national law enforcement practice and highlights legal risks arising in the sphere of intercountry adoption. Based on the conducted analysis, the author formulates conclusions and proposals aimed at improving the adoption system of the Republic of Uzbekistan in line with international obligations and contemporary approaches to the protection of children's rights.*

### INTRODUCTION

The institution of adoption occupies a special place within the system of family law, as it is directly linked to the implementation of one of the fundamental principles of the modern legal order—the priority of the best interests of the child. In the context of globalization and the increasing development of international cooperation, issues related to adoption are no longer confined to the sphere of domestic regulation and increasingly acquire an international legal dimension. This is обусловлено by the growing prevalence of transnational family relations and the need to ensure compliance with universal standards for the protection of children's rights enshrined in international legal instruments.

In recent years, the Republic of Uzbekistan has undertaken consistent reforms aimed at strengthening the national system for the protection of children's rights,



including the institution of adoption. These reforms have been accompanied by legislative updates, changes in the activities of competent authorities, and the gradual formation of new law enforcement and judicial practices. At the same time, the national adoption model continues to evolve within the framework of interaction with international legal standards, which researches the issue of their coordination and effective implementation at the domestic level.

Of particular importance in this context is the analysis of the extent to which the adoption system of the Republic of Uzbekistan complies with the state's international obligations arising from its participation in universal and regional instruments on the protection of children's rights. International standards not only establish general guidelines for legal regulation but also exert a direct influence on the design of national adoption mechanisms, including procedural requirements, the role of public authorities, and the scope of judicial oversight.

Despite the existence of a normative framework aimed at safeguarding the rights of the child in adoption procedures, a number of challenges persist in law enforcement practice with regard to the implementation of international standards. These challenges include issues of institutional coordination, consistency of judicial decisions, and legal risks associated with intercountry adoption. Such circumstances demonstrate the need for a comprehensive analysis of the adoption system not only from a formal legal perspective but also in terms of its practical functioning.

The purpose of this article is to examine the adoption system of the Republic of Uzbekistan in the context of international standards for the protection of children's rights, to identify key challenges in its operation, and to determine possible directions for its further improvement. To achieve this objective, the article analyzes the specific features of national legal regulation of adoption, the correlation between domestic norms and international legal requirements, as well as the role of judicial practice in ensuring a balance between the interests of the child, the state, and prospective adoptive parents.

## **LITERATURE REVIEW AND METHODOLOGY**

The study of the adoption system in the Republic of Uzbekistan in the context of international standards for the protection of children's rights is based on a wide range of academic sources, including works by domestic and foreign scholars in the fields of family law and international private law, as well as official reports and analytical materials of international organizations. In legal scholarship, adoption is traditionally examined through the prism of children's rights protection, the balance between public and private interests, and the role of the state in regulating family relations.

Foreign academic literature pays considerable attention to international standards of adoption formed under the influence of universal international legal instruments. Such studies primarily focus on the principle of the best interests of the child, procedural safeguards in intercountry adoption, and mechanisms aimed at preventing abuse and illegal practices. At the same time, national specificities of adoption regulation in states with transitional legal systems, including Central Asian countries, remain insufficiently explored in international legal research.



Domestic legal scholarship, in turn, is largely concentrated on the analysis of national family legislation of the Republic of Uzbekistan and selected aspects of law enforcement practice. Existing publications address issues related to the legal status of adopted children, procedural features of adoption cases, and the role of public authorities in ensuring the legality of adoption. However, the implementation of international standards within the national adoption system and their practical impact on judicial and administrative practice have been examined fragmentarily and without comprehensive correlation with international legal approaches.

Thus, the review of academic sources reveals a research gap associated with the lack of a systematic analysis of the adoption system of the Republic of Uzbekistan in light of international standards for the protection of children's rights. This circumstance determines the relevance of a comprehensive study that combines normative legal analysis with a practice-oriented approach.

The methodological framework of this study is based on a combination of general scientific and special legal research methods. The formal legal method is used to analyze national and international legal norms regulating adoption, while the comparative legal method is applied to examine the correlation between the family legislation of the Republic of Uzbekistan and international adoption standards. A systemic approach is employed to consider adoption as an integral element of the broader mechanism for the protection of children's rights.

In addition, the study incorporates an analysis of judicial practice aimed at identifying specific features of law enforcement and assessing the role of courts in ensuring the best interests of the child. Doctrinal analysis is used to generalize academic positions on the subject matter and to determine key directions for improving the adoption system. The integrated application of these methods ensures the objectivity and validity of the research findings and enables the formulation of practical recommendations focused on the development of the national adoption system in accordance with international standards.

## **Results**

The analysis of the adoption system in the Republic of Uzbekistan in the context of international standards for the protection of children's rights reveals a number of key patterns and problematic aspects characterizing the current state of the national adoption model. The results are based on a comparison of national family law norms, the state's international legal obligations, and features of law enforcement, including judicial practice.

Firstly, it has been established that the adoption system in the Republic of Uzbekistan is generally oriented towards implementing the principle of the best interests of the child, which serves as a fundamental guideline in both national legislation and international standards. This principle is enshrined at the normative level and is reflected in judicial decisions regarding adoption cases. However, its practical application is inconsistent and largely depends on the discretion of the courts and the involvement of competent authorities.



Secondly, the results show that the national adoption model is dominated by domestic procedures, while intercountry adoption is treated as an exceptional mechanism, applied only when it is impossible to place a child within a family domestically. This approach aligns with international standards, yet in practice it is accompanied by a number of institutional and procedural challenges, related to interagency coordination and the assessment of adoption conditions.

Thirdly, the analysis of judicial practice demonstrates the central role of courts in ensuring the legality and reasonableness of adoption decisions. The courts act as a key mechanism for safeguarding the rights of the child by verifying the conformity of adoption to the child's best interests and compliance with national legislation. At the same time, differences in judicial approaches to similar circumstances have been observed, indicating the need for further development of consistent law enforcement practice.

The results of the comparative analysis of national legislation and international standards indicate a partial implementation of international requirements within the adoption system. While a general normative framework exists, gaps remain concerning procedural guarantees, control mechanisms, and post-adoption support. These aspects are particularly significant in the context of intercountry adoption and require additional legal regulation.

Here, the table can be inserted to visually represent the correlation between key international adoption standards and the corresponding provisions in the national legislation of the Republic of Uzbekistan, including the functions of public authorities and courts.

Table 1. Correlation of International Adoption Standards and National Legislation of the Republic of Uzbekistan

International Standard / Document	Corresponding National Legislation	Level of Implementation	Comments / Issues
UN Convention on the Rights of the Child, Art. 21	Articles of the Family Code on adoption procedure	Partial	Best interests principle established, but applied inconsistently in practice.
Hague Convention on Intercountry Adoption	Law "On the Protection of Children's Rights" and Cabinet Resolutions	Partial	International procedures regulated, but interagency coordination needs improvement.
Post-Adoption Support Principles	No direct equivalent in national legislation	Low	Lack of mandatory standards for post-adoption monitoring.
Requirements for Competent Authorities (Hague, Art. 4)	Ministry of Public Education, Guardianship and Custody Agencies	Partial	Functions assigned, but coordination is insufficient.
Prevention of Child Trafficking and Abuse	Articles of the Criminal Code on unlawful actions with children	High	Legal framework exists, but prevention and monitoring need to be strengthened.

Overall, the findings confirm that the adoption system in the Republic of Uzbekistan is in a stage of institutional development and adaptation to international standards for the protection of children's rights. The identified issues are primarily systemic and



procedural in nature, providing a foundation for formulating evidence-based conclusions and recommendations aimed at further improving the national adoption model.

## **DISCUSSION**

The analysis of the national adoption system in the Republic of Uzbekistan in conjunction with international standards for the protection of children's rights highlights several key aspects of practical and normative significance.

At first, the principle of the best interests of the child, enshrined in both national legislation and international legal instruments, forms the foundation for adoption decisions. However, the study indicates variability in its application in practice. In particular, the assessment of a child's best interests often depends on the discretion of individual judges and competent authorities, which creates a risk of subjectivity and inconsistent approaches to similar cases. This underscores the need for the development of standardized methodological guidelines for guardianship bodies and courts aimed at ensuring uniform law enforcement practice.

At the second, international standards, including the Hague Convention and the UN Convention on the Rights of the Child, provide clear guidance on intercountry adoption. At the same time, the national adoption model is predominantly focused on domestic procedures. While this approach aligns with the objectives of child protection and national interests, practice shows that interagency and procedural challenges can slow the process of intercountry adoption and increase the risks to children's rights. Therefore, further improvement of coordination mechanisms among state authorities and stricter monitoring of compliance with international requirements is essential.

Third, the analysis identifies gaps in post-adoption support, monitoring of adopted children's living conditions, and institutional responsibility for safeguarding children's rights. International experience demonstrates that structured post-adoption follow-up is crucial for the successful integration of children into their new families and for minimizing legal and social risks. The absence of mandatory national standards in this area calls for increased attention from legislators and competent authorities.

Finally, the review of judicial practice confirms the central role of courts in ensuring the legality of adoption and protecting the rights of children. At the same time, observed differences in approaches to similar circumstances indicate the need for enhanced training of judges and guardianship authorities, as well as the development of methodological materials that would promote consistent application of the principle of the best interests of the child.

Overall, the discussion of the findings suggests that the adoption system of the Republic of Uzbekistan is gradually adapting to international standards for the protection of children's rights. Nevertheless, a number of systemic and procedural challenges remain, which require both legislative action and the refinement of practical mechanisms for adoption. Addressing these issues comprehensively will improve the effectiveness of the national adoption model and ensure the protection of children's rights in accordance with international norms.

## **CONCLUSIONS**



The present study of the adoption system in the Republic of Uzbekistan, considered in the context of international standards for the protection of children's rights, allows us to draw several conclusions and formulate concrete recommendations for improving the national adoption model.

Firstly, the principle of the best interests of the child remains the central guideline in adoption decisions; however, its practical application is currently inconsistent. To reduce subjectivity and ensure uniform law enforcement, it is advisable to develop methodological guidelines for courts and guardianship authorities, including clear criteria for assessing adoption conditions and the child's best interests.

Secondly, the national adoption system is primarily oriented toward domestic procedures, while intercountry adoption is applied only in exceptional cases. To enhance the effectiveness of cross-border procedures, it is necessary to strengthen coordination among competent authorities, streamline administrative processes, and ensure compliance with international requirements, including the Hague Convention and post-adoption standards.

Thirdly, gaps have been identified in post-adoption support, monitoring the living conditions of adopted children, and institutional accountability for safeguarding children's rights. It is recommended to implement a mandatory system of post-adoption supervision, develop standardized protocols for interaction between guardianship authorities and adoptive families, and establish mechanisms of accountability for violations of children's rights after adoption.

Finally, the analysis of judicial practice demonstrates the need to improve the professional training of judges and guardianship specialists, as well as to develop uniform methodological materials to ensure consistent application of the law. This will help reduce the risks of subjective decision-making and strengthen the protection of children's rights.

Overall, the comprehensive implementation of these measures will improve the efficiency of the national adoption system, ensure alignment with international standards for the protection of children's rights, and create a sustainable mechanism that safeguards the interests of all participants in the adoption process — the child, the state, and the adoptive parents.

## References:

1. Convention on the Rights of the Child. United Nations, 1989. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
2. Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993. <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>
3. Семейный кодекс Республики Узбекистан, 1998. [Family Code of the Republic of Uzbekistan]
4. Закон Республики Узбекистан «О защите прав ребёнка», 2008. [Law on Protection of Children's Rights, Republic of Uzbekistan]



5. UN Committee on the Rights of the Child. General Comment No. 14: The right of the child to have his or her best interests taken as a primary consideration (2013). <https://www.ohchr.org/en/documents/general-comments>
6. UNICEF. (2016). Intercountry adoption: best practices and lessons learned. <https://www.unicef.org/protection/intercountry-adoption>
7. Bangsa, C. A. Z. D., & Prastyanti, R. A. (2025). Legal protection of adopted children between countries in the perspective of international civil law. *Causa: Jurnal Hukum dan Kewarganegaraan*, 7(1).
8. Djalilova, M. (2020). Intercountry adoption: legal foundations and practice. *Journal of Family Law*, 3(2), 45–59.]
9. Greif, G. (2018). International adoption and child protection: balancing domestic and global standards. *International Journal of Children's Rights*, 26(4), 701–722.
10. Imtina, S. S., Aprilianda, N., & Widyanti, Y. E. (2024). Legal protection strategies for child adoption without a court order: A comparative study of Indonesia, USA and Malaysia. *NEGREI: Academic Journal of Law and Governance*, 4.
11. Karimov, T., & Rakhmonova, S. (2019). Adoption procedures in Central Asia: legal frameworks and challenges. *Central Asian Law Review*, 7(1), 12–28.
12. Lowe, N., & Fenton-Glynn, C. (Eds.). (2023). *Research Handbook on Adoption Law*. Oxford University Press.
13. Lukyanov, N. E., & Kvashnina, D. A. (2025). "The interests of the child" in the context of adoption: A comparative analysis of international and national law. *Respublica Literaria*, 6, 145–158.
14. Mindiashvili, N. (2018). International adoption comparative legal research – child adoption in Georgia: Issues for legislative harmonization. *European Scientific Journal*, 14.
15. O'Halloran, K. (2018). *Adoption Law and Human Rights: International Perspectives*. Routledge.
16. O'Halloran, K. (Ed.). (2021). *The Politics of Adoption: International Perspectives on Law, Policy and Practice* (4th ed.). Springer Cham.
17. Popov, A. (2017). Judicial practice and adoption in transitional legal systems. *Eurasian Journal of Law and Policy*, 12(3), 33–50.
18. Rotabi, K. S., & Gibbons, J. L. (2012). *Intercountry Adoption Policies, Practices, and Outcomes*. Routledge.
19. Shannon, G. (2018). *Law and Practice of Intercountry Adoption (in Same-Sex Relationships and Beyond, Part II – Parenthood and Children's Rights)*. Cambridge University Press.
20. Singh, C. (2025). An overview of intercountry adoption with special focus on India. *Indian Journal of Law*, 3, 13–26.