



Foreign Experience And International Standards For Ensuring Openness And Transparency

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ABSTRACT

This article provides a comparative legal analysis of the international legal foundations and foreign experience in ensuring openness and transparency in public administration and administrative activities. It examines the interrelationship between international standards on the right of access to information, transparency of public authorities, public participation, accountability, and effective legal remedies. The study also compares Sweden's default openness model, the United States' Freedom of Information Act (FOIA) system, and the European Union's mechanisms for good administration and access to documents. The article puts forward a number of academic and practical recommendations for further improving openness within Uzbekistan's administrative and legal system, including clearly defining the grounds for restricting access to information, strengthening independent oversight and complaint mechanisms, and improving the quality of open data and opportunities for its reuse.

KEYWORDS: Openness, transparency, right of access to information, open government, administrative law, public administration, public oversight, accountability, anti-corruption, FOIA, international standards.

INTRODUCTION

In the context of global digitalization, the international integration of public administration, and the growing demand among citizens for information about the activities of public authorities, openness and transparency are becoming independent and important institutions of modern administrative law. Openness refers to the availability of information about the activities of public authorities to the public, while transparency implies that decision-making processes and administrative procedures are understandable, verifiable, and accountable. Therefore, from a scholarly perspective, these concepts cannot be limited merely to the publication of information; they are closely interconnected with the right of access to information, public participation, accountability, and effective legal remedies.

This issue is also directly linked to international human rights standards. Article 19 of the Universal Declaration of Human Rights recognizes freedom of opinion and expression, including the right to seek, receive, and impart information. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) reinforces this guarantee at the level of an international treaty. In its General Comment No. 34, the UN Human Rights Committee specifically recognized that the right of access to information held by public authorities is protected under Article 19. [3].

1. Universal International Legal Standards on Freedom of Information and Transparency

From an international legal perspective, one of the principal foundations of openness in public administration is the individual's right to seek, receive, and impart information. However, an important point from a scholarly perspective is that this right is not absolute under international standards. In particular, Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR) provides that restrictions must be prescribed by law, necessary, and proportionate to a legitimate aim. Accordingly, when a public authority restricts access to information, it must be able to justify the legal basis, legitimate purpose, and necessity of the restriction.

The United Nations Convention against Corruption (UNCAC) links transparency with the prevention of corruption. Article 9 of the Convention requires systems for public procurement and the management of public finances to be based on transparency, competition, and objective criteria. [4]. Article 10 provides for measures to make information concerning the organization and functioning of public authorities, and, where appropriate, their decision-making processes, available to the public. At the same time, Article 5 calls for the development and implementation of effective and coordinated policies aimed at preventing corruption [4].

Established in 2011, the Open Government Partnership (OGP) is not an international treaty, but a multilateral initiative aimed at advancing open government through practical reforms. Its core values include transparency, citizen participation, and public accountability. The initiative's Open Government Declaration promotes greater access to information about government activities, enhanced public participation, stronger anti-corruption measures, and the use of new technologies [5].

2. Foreign Legislative Models for Ensuring Openness: A Comparative Legal Analysis

2.1. The Swedish Model: The Principle of General Public Access to Official Documents

Sweden's experience represents one of the oldest and most institutionally developed models of openness in public administration. The 1766 Freedom of the Press Act established the constitutional foundations for public access to government documents. Under Sweden's current legal system, the public's right of access to official documents is protected by a fundamental law [6].

The key feature of the Swedish model is that official documents are presumed to be open to the greatest extent possible, while confidentiality is treated as an exception that must be grounded in law. According to information provided by the Swedish Government, many documents received or sent by government offices and other public authorities may be classified as official documents and made available to the public [6]. In this respect, the Swedish model can be characterized as one of the classic examples of the "default openness" principle.

2.2. The U.S. Model: FOIA and Procedural Mechanisms for Access to Information

In the United States, transparency in the activities of federal agencies is institutionally regulated by the Freedom of Information Act (FOIA), enacted in 1966. FOIA establishes detailed procedures for obtaining information held by federal agencies upon request. At the same time, the Act provides for nine principal exemptions covering categories such as classified information relating to national defense and foreign policy, personal privacy, trade secrets, certain law-enforcement information, and other categories protected by law [7].

An important feature of the U.S. model is the availability of judicial review of decisions denying access to information. The U.S. Department of Justice's official FOIA guidance places particular emphasis on the use of statutory exemptions to withhold information and on the legal

justification for applying those exemptions [7]. Thus, in the U.S. experience, transparency encompasses not only the obligation to disclose information but also procedural and judicial oversight of the legality of refusals to provide it.

2.3. The European Union Model: Good Administration and Access to Documents

In European Union law, openness is closely connected with the concept of good administration. Article 41 of the Charter of Fundamental Rights of the European Union establishes the right of every person to have their affairs handled impartially, fairly, and within a reasonable time. Within the scope of this right, individuals are also entitled to access documents relating to their cases, while public administration is required to provide reasons for its decisions [8]. This English version is already clear and academically appropriate. I would make a few minor stylistic refinements to make it more suitable for a research article or academic publication:

Public access to documents of the European Parliament, the Council of the European Union, and the European Commission is regulated by Regulation (EC) No. 1049/2001. The Regulation aims to ensure the widest possible access to institutional documents while maintaining legitimate exceptions designed to protect public and private interests [9]. Under this model, transparency is integrated with the obligation to provide reasons for administrative decisions, access to documents, document registers, and effective administrative complaint mechanisms.

3. International Rankings and Indices: Practical Indicators of Openness

Indicators developed by international organizations constitute important empirical sources for assessing openness and transparency. However, from a methodological perspective, these indices should not be regarded as legal standards in themselves, but rather as comparative instruments for evaluating public administration practices.

First, the Corruption Perceptions Index (CPI), published by Transparency International, measures perceived levels of corruption in the public sector. The 2025 CPI covered 182 countries and territories and employed a scale ranging from 0 to 100 [10]. The CPI is not a direct measure of the openness of public authorities. Therefore, the categorical conclusion that “the more closed a government is, the lower its CPI score” should be treated with scholarly caution. Nevertheless, in the context of institutions aimed at limiting corruption, strengthening accountability, and improving the quality of governance, the CPI serves as a relevant supplementary indicator.

Second, Factor 3 of the World Justice Project’s Rule of Law Index, entitled “Open Government,” evaluates the public accessibility of laws and government data, the proper handling of requests for information, public participation, and the effectiveness of complaint mechanisms [11]. Accordingly, this index provides a relatively direct indicator for analyzing legal transparency in public administration and is more closely aligned with the concept of openness than the CPI.

Third, the Open Budget Survey, conducted by the International Budget Partnership, provides a comparative assessment of budget transparency, public participation, and institutional oversight. Its 2025 methodology separately evaluates the availability of budget information, opportunities for public participation, and oversight by legislatures and supreme audit institutions [12]. These indicators are particularly important for assessing the transparency of public financial management at the intersection of financial and administrative law.

4. Comparative Systematization of Foreign Models

Model	Asosiy huquqiy manba	Ochiqlik yondashuvi	Istisnolar	Nazorat / himoya
Shvetsiya	Fundamental Law on Freedom of the Press	Rasmiy hujjatlarga umumiy jamoatchilik kirishi	Qonunda belgilangan maxfiylik istisnolari	Ma'muriy va parlament nazorati
AQSh	Freedom of Information Act (FOIA)	So'rov asosida hujjatlarga kirish	9 ta asosiy istisno (exemption)	Ma'muriy qayta ko'rib chiqish va federal sudlar
Yevropa Ittifoqi	YI Asosiy huquqlar xartiyasining 41-moddasi; Regulation (EC) No. 1049/2001	Yaxshi boshqaruv va hujjatlarga kirish	Jamoat va xususiy manfaatlarni himoya qiluvchi istisnolar	Institutsional shikoyat, Ombudsman va YI sudlari
O'zbekiston	Konstitutsiya va ochiqlik sohasidagi maxsus qonunchilik	Qonun bilan belgilangan axborotni oshkor etish va olish mexanizmlari	Qonunda nazarda tutilgan cheklovlar	Jamoatchilik nazorati va sud-huquqiy himoya

Comparative analysis demonstrates that an effective openness model requires three interrelated elements: first, legal access to information held by public authorities; second, clear, lawful, and proportionate rules governing confidentiality and restrictions; and third, independent and effective oversight of refusals to disclose information. The mere obligation to publish information, by itself, does not guarantee transparent governance.

5. Scholarly Recommendations for Uzbekistan's Administrative and Legal System

First recommendation — strengthening the principle of “default openness.” It would be appropriate to establish more clearly, at the normative level, the principle that documents, data, and decisions held by public authorities should be accessible to the public unless there is a specific legal basis for restricting access. In this regard, confidentiality should be based not on administrative discretion, but directly on law.

Second recommendation — systematizing the legal grounds for restricting access to information. Restrictions such as “for official use only” should, as far as possible, be clearly defined at the legislative level, including their scope, conditions of application, duration, and procedures for challenging such restrictions. This would help prevent unjustified limitations on citizens' right of access to information through internal or departmental regulations.

Third recommendation — strengthening independent oversight mechanisms for the right of access to information. Drawing on foreign experience, it would be appropriate to develop an independent institutional mechanism in Uzbekistan capable of promptly reviewing complaints concerning access to information, assessing refusals issued by public authorities, and applying or initiating effective legal remedies in cases of violations. The legal status, powers, and measures of responsibility applicable to such an institution should be clearly defined and harmonized with the constitutional and administrative-law framework.

Fourth recommendation — assessing openness not only by the publication of information, but also by its quality and usability. The publication of information in a timely, complete, understandable, machine-readable, and reusable format corresponds to contemporary

standards of transparency. The OGP's understanding of transparency likewise emphasizes that information held by public authorities should be open, complete, timely, and accessible for use [5].

Conclusion

A comparative study of international standards and foreign experience demonstrates that the meaning of openness and transparency in public administration extends far beyond the simple obligation to publish information. In modern administrative law, openness has developed into a comprehensive institution encompassing the right of access to information, the obligation to provide reasons for decisions, public participation, transparent management of public funds, accountability, and effective legal remedies.

The experience of Sweden demonstrates the importance of default openness and broad public access to official documents; the U.S. FOIA model highlights the necessity of clear procedures, defined exemptions, and judicial oversight; while the European Union model demonstrates how openness can be integrated with good administration, the obligation to provide reasons for decisions, and the right of access to documents. These experiences should not be regarded as ready-made mechanisms for Uzbekistan, but rather as comparative legal sources that can be adapted to the country's constitutional and legal system.

From this perspective, the priority areas for strengthening openness within Uzbekistan's administrative and legal system include: 1) reinforcing the principle of default openness; 2) linking restrictions on access to information exclusively to clear and lawful criteria; 3) developing independent and effective complaint mechanisms for challenging refusals to provide information; 4) improving the quality and reusability of open data; and 5) strengthening transparency in public budgeting and procurement. Such an approach would contribute to transforming openness from a declarative principle into a functioning institution of administrative law.

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