



 Research Article

THEORETICAL AND LEGAL ISSUES OF SOCIAL SECURITY FOR DIPLOMATIC PERSONNEL: FEATURES AND DEVELOPMENT PROSPECTS

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Tursunova M. U.

Tashkent State University Of Law, Acting Assistant Professor, Doctor Of Philosophy (Phd) In Law, Uzbekistan

ABSTRACT

This scientific article examines theoretical and legal issues regarding the social security of diplomatic workers. The main research direction focuses on stressing the necessity of providing legislative foundations for the legal regulation of the activities of diplomatic workers, their social security due to their status, and strengthening guarantees during the performance of their official duties, which is currently highly relevant and in demand. Through the study of the main aspects of the chosen topic, the author concludes that comprehensive legislative reforms in Uzbekistan are currently required in the field of strengthening social security, guarantees, and the status of diplomatic workers, based on the positive achievements of foreign experience.

KEYWORDS

Diplomatic worker, agent, diplomat, representation, social guarantees, salary, official duties, diplomatic service.

INTRODUCTION

The effectiveness of diplomatic service in conditions of establishing strict obligations, prohibitions, and limitations is impossible without providing social security and corresponding guarantees, which emphasize the exceptional and unique status of diplomatic workers.

The social security of diplomatic workers is an integral element of their legal status. Studying and justifying the necessity behind legislative regulation of this

status in the Republic of Uzbekistan is neither the first nor the last challenge posed by the time and dynamics of diplomatic and interstate relations. Therefore, the relevance and demand for this scientific research is justifiable.

Main Part

Theoretical and legal explanations of state guarantees for diplomatic workers, reflecting the specifics of their

foreign policy activities and compensation for risks arising for diplomatic workers and their families from their work, are of particular interest. The system of additional guarantees should ideally function in favour of each diplomatic worker and, in some cases, of their family members. In this regard, the question of providing them with these guarantees becomes particularly important in the context of working in a foreign institution.

Certain groups of guarantees related to the work of diplomatic workers in countries experiencing a complex socio-political situation, a state of emergency, or armed conflicts deserve a separate attention. In foreign countries, such as the countries of the CIS (Commonwealth of Independent States) and specifically Russia, there is a "special service seniority calculation regime, where allowances are paid in addition to salary (1 day for 1.5 days and a 20% allowance in foreign currency when working in a country with a complex socio-political situation; 1 day for 2 days and a 40% allowance when working in conditions of an emergency or armed conflict)" [1].

Frequently, situations arise where diplomatic workers carry out their official duties with risks to their own life and health [2]. Therefore, in the event of their death abroad or within a year after completing their work in a host country due to injuries received as a result of violent actions, their heir may be granted a certain amount of one-time monetary compensation, for example, based on the financial support provided to diplomatic workers (in Russia, for instance, this amount is equivalent to 180 salaries of a diplomatic worker).

As researchers accurately point out, "the concept of social security of population and diplomatic workers emerged in European countries at the end of the 19th century and was a fundamental attribute of the state's

social policy," especially throughout the 20th century [3].

It should be noted that legislation in foreign countries regulating the foundations of diplomatic activities and service has provided rules for the social security and social guarantees of diplomatic workers:

- For example, in Argentina, there is a "guarantee of recognition of degrees awarded by foreign educational institutions in elementary, higher, and secondary education, which have been completed by a diplomatic worker or their family members" (Article 90 of the Law of Argentina dated May 22, 1975, No. 20957, "On Foreign Service") [4];

- Another example is in Armenia, where compensation may be provided to a diplomat "based on each family member's expenses related to their service in a foreign country. The payment of compensation to the spouse of a diplomat ceases when they start working in that country; the spouse of a diplomat who has been dispatched to work in a foreign country by the operating body of the diplomatic service is reinstated in a position in a state institution upon return from the foreign country and occupies a position with a salary not lower than what they received before departure to the foreign country" (Articles 46-47 of the Law of Armenia dated November 21, 2001, No. ZR-249, "On Diplomatic Service") [5];

- In England, the status of diplomatic service workers is special and involves the legal regulation of strategic importance [6]. Their activities are accompanied by a multifaceted range of functions, negotiations, and correspondence [7]. If a diplomatic worker becomes a parent, they are entitled to additional leave: 6 or 9 months, as well as an additional 3-month paid leave (in the case of continuous service for a year). These

guarantees bear some resemblance to the social guarantees for other civil servants in England [8];

- In Germany, "the employer must ensure, as far as possible, that employees and their families do not experience any inconvenience as a result of their assignments abroad. If difficulties are inevitable, appropriate compensation must be provided" (Article 15 of the Law of the Federal Republic of Germany dated August 30, 1990, No. 1842, "On Foreign Service"); In Germany, it is considered encouraging for spouses and families to accompany diplomatic workers during foreign assignments. Hence, the Ministry of Foreign Affairs can provide certain assistance to such families in preparing for overseas assignments, such as acquiring, maintaining, and expanding language skills (Article 19); provide corresponding financial support (Article 20); and encourage diplomatic workers to pursue their careers abroad and after returning to Germany (Article 24);

- In Kazakhstan, according to the legislation, "in the event of death of a diplomat or any other employee carrying out a diplomatic service while performing official duties abroad, the deceased's family has the right to receive housing from the state housing fund" (Article 25 of the Law of the Republic of Kazakhstan dated March 7, 2002, No. 299-11, "On Diplomatic Service of the Republic of Kazakhstan") [9];

- In Moldova, to perform official duties, a diplomatic worker can be provided with official vehicles depending on their position and receive specific forms of monetary compensation to cover expenses related to the purchase of protocol attire (Article 27 of the Law of Moldova dated December 27, 2001, No. 761-XV, "On Diplomatic Service") [10];

- In the Philippines, there are legal foundations for providing allowances to the family members

accompanying diplomatic worker on assignment. Allowances be granted to each family member, specifically the spouse of the diplomatic worker and each unmarried minor child (up to 3 children) (Article 68 of the Law of the Philippines dated September 19, 1991, No. 7157, "On Diplomatic Service"). The legislation also provides rules on the payment of representation expenses, which can be provided to mission leaders, special envoys, and permanent representatives to international organisations (Article 70) [11];

- In Estonia, a system of salary supplements has been established, amounting to 5% of the salary, for example, for foreign language proficiency (Article 57 of the Law of Estonia dated May 10, 2006, "On Diplomatic Service"). Furthermore, compensatory payments are provided for the non-working spouse accompanying a diplomatic worker on a foreign assignment, expressed in an allowance (double the minimum wage in Estonia) (Article 67) [12].

In general, it can be noted that the system of social guarantees and support for diplomatic workers established in the laws on diplomatic service in foreign countries implies the need to categorise them into the following groups:

- Guarantees in areas such as medical and pension insurance, compensation for family members of diplomatic workers;

- Compensatory payments for transportation expenses, housing rentals, and educational costs;

- Various types of payments related to special conditions under service, foreign language proficiency, situations involving harm to health or related to the death of a diplomatic worker.

Different countries may have various approaches to the scope of individuals to whom the aforementioned guarantees and types of social security apply.

However, it should be noted that more social guarantees are provided to diplomatic workers who are located or carry out their main activities on foreign assignments. Relatively rarely are these social guarantees provided to administrative and technical staff of foreign institutions. As researchers note, "the provision of social guarantees to diplomatic workers in the central apparatus of ministries is almost non-existent" [13].

At present, in Uzbekistan, the legislative basis for diplomatic service and social guarantees for diplomatic workers is not fully developed. However, a regulatory framework for this field of activity exists. In particular, among the rights of government workers, there are rights to receive social protection and material support, for example, through the provision of social leaves, life and health insurance, compensation for harm caused to life, medical services, and reimbursement of related expenses (Article 53 of the Law "On Civil Service" dated August 8, 2022). These social guarantees need to be expanded, and official interpretations regarding their application to employees in diplomatic missions should be provided.

CONCLUSION

In conclusion, it can be emphasized that in the practice of different countries, the legal foundations for providing social guarantees to diplomatic workers and their family members are not always thoroughly developed, despite the fact that spouses of diplomatic workers may be subject to obligations and restrictions due to the nature of diplomatic service and their presence in the accrediting state.

The Regulations on Foreign Diplomatic Missions and Consular Offices in the Republic of Uzbekistan do not provide rules regarding the social support of the activities of the employees of these corresponding missions and offices.

It can be concluded that the social security of diplomatic workers is currently very weak in Uzbekistan, and active work is to be done along with systematisation of the materials of practice. Scientific research in this field should not be limited to confidentiality, or diplomatic missions should have corresponding scientific-analytical departments that will conduct such research, the results of which, like the research itself, will be recognized as confidential. This issue needs to be addressed, in particular, by implementing the following activities:

- Adopt the Law "On Foreign Diplomatic Missions and Consular Offices in the Republic of Uzbekistan," which should include provisions on the social guarantees of diplomatic workers;
- Consolidate existing Cabinet of Ministers resolutions in this field and incorporate them into the aforementioned law;
- Provide social guarantees for diplomatic workers and their family members (relatives) in case any unlawful actions arise against them;
- Develop a system of social security guarantees for diplomatic workers during their service for the Republic of Uzbekistan, on the territory of foreign countries, and extend these guarantees to their close relatives, children, and domestic staff (working with diplomatic representatives based on written or employment contracts);
- Address the issue of confidentiality of legal information regarding the social guarantees of diplomatic workers, which will contribute to open research activities and acceleration of the adoption

of legislative foundations for regulating diplomatic service in the Republic of Uzbekistan.

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