

## **Human Rights Protection In The Constituion Of The Republic Of Uzbekistan** **Nodirbek B.Bekmirzayev,**

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Maintaining the human rights in international acts and national legislation can be said as an important victory of human history. For example, to this type of international documents belong such international acts adopted by the UNO as: "the Universal Declaration of Human Rights", "the International Covenant on Civil and Political Rights", "the International Pact on Economic, Social and Cultural Rights"<sup>1</sup>.

Adoption of such international norms is the result of the history of mankind composed of struggles for obtaining their human rights. Among such struggles the struggle for human rights and freedoms plays a special importance.

The independence of Uzbekistan has opened great opportunities for development and prosperity of both the country and its people. Specially, the role of the Constitution of the Republic of Uzbekistan deserves a special attention. In determining the human rights our constitution resorted to the implementation of the norms of the international documents mentioned above. Today the constitution is considered a leading legal foundation of human rights in our country.

When President I.A. Karimov stated that, "such accomplishments achieved newly are only one part of the long and complicated road directed at the highest goal we put before us to build an internationally respected and recognized society based on sustainable economic development, open democratic legal state, where man, his interests, rights and freedoms are raised to the supreme value not in words but in deeds", he indicated the importance of considering human rights issues<sup>2</sup>.

Emphasizing the role of the Constitution the President said: "today our constitution has become a core legal and legislative foundation for building an independent, sovereign democratic state, in strengthening the priority of the private property in the structure of multisided market economy and in guaranteeing its protection, as well as forming a civil society where human rights, freedoms and interests are considered a supreme value"<sup>3</sup>.

Two sections, six chapters and twenty articles of our constitution are dedicated to human rights.

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<sup>1</sup> See: International contracts on human rights. T.-Adolat, 2004, -pp. 2-59.

<sup>2</sup> Karimov I.A. Conception on further deepening of democratic reforms and development of a civil society in our country. T.-"Uzbekistan", November 12, 2010, P.6

<sup>3</sup> Karimov I.A. Our main task is to reform and democratize the society and to raise to a new stage the modernization process of the country. Newspaper: "Khalq suzi". December 6, 2015.

The chapter titled “General provisions” determines that all citizens have equal rights and freedoms, are equal before law without any discrimination. According to these general provisions citizens’ rights and freedoms, established by the Constitution and laws are inalienable, no one has the right to deprive or limit them without a court.

The chapter VI titled “Citizenship” establishes legal bases for citizenship, the norm of the constitution guarantees legal defence and protection to all its citizens both on the territory of the Republic of Uzbekistan and abroad. In addition, it determines that foreign citizens and stateless persons, during their stay on the territory of the Republic of Uzbekistan, are guaranteed the rights and freedoms in accordance with the norms of the international law.

In determining the human rights in the constitution they are grouped on the account of their importance and goals. As a result there are separate chapters in the constitution on citizen’s human rights: “Personal rights and freedoms”, “Political rights”, “Economic and social rights”.

Among human rights the personal rights are always given priority than other rights. For they are considered natural rights obtained from birth. The personal rights are not provided by state, they are protected by the state, it is the duty of the state. The personal rights are the rights belonging to human’s person, life, health and dignity.

Among personal rights the right to life plays a special role. Article 24 defines that “the right to life shall be an inalienable right of every human being. Infringement against it shall be regarded as the gravest crime”.

The term “the right to life” in Uzbekistan is maintained in the current constitution for the first time.

In the constitution there are the following provisions of articles to maintain personal rights:

- everyone shall have the right to freedom and inviolability of the person and no one may be arrested or taken into custody except on lawful ground;
- everyone, accused to perform a crime, shall be considered not guilty, as long as his guilt is not established by legal order, public legal proceeding when all possibilities to protect him are secured, no one may be subject to torture, violence, other cruel or humiliating human dignity treatment, no one may be subject to medical or scientific experiments without his consent;
- everyone shall be entitled to protection against encroachments on his honour, dignity, interference in his private life, inviolability of his home, no one shall have the right to enter a home, carry out a search or an examination, violate the privacy of correspondence and telephone conversations except for cases and procedures prescribed by law;

- a citizen of the Republic of Uzbekistan shall have the right to freedom of movement on the territory of the Republic, as well as to free entry to and exit from it;

- everyone shall be guaranteed freedom of thought, speech and convictions. Everyone shall have the right to seek, obtain and disseminate any information;

- freedom of conscience shall be guaranteed to all.

Such personal rights are provided by the state. At the same time the constitution indicates to the conditions when these rights can be limited.

The social development, extending the relations between citizens and the state makes it necessary for the majority of citizens to participate in the works of the state and society. That's why the citizens' political rights, that is, their right to participate in the works of state and society are firmly maintained in the constitution.

At the same time the norm of the constitution indicates that citizens have the right to participate in the management of public and state affairs, both directly and through representatives. Such participation shall be exercised by way of self-administration, holding referendums and democratic formation of state bodies, as well as development and enhancement of public control over the activity of state bodies.

In any society the activity of citizens is the main factor for the development of society. That's why it is determined that citizens have the right to engage in public life by holding rallies, meetings and demonstrations in accordance with legislation.

Every citizen of Uzbekistan has the right to join public associations and to participate in mass movements. No one may infringe on the rights, freedoms and dignity of individuals constituting the minority opposition in public associations and in representative bodies of government authority.

Citizens have the right, both individually and collectively, to lodge complaints with competent state bodies, institutions or public representatives.

The citizens have special economic and social rights. By exercising these rights they improve their life conditions, citizens will achieve prosperous life standards. The widening of citizens' rights in this sphere will bring the rise of the economic power of the state.

The foundation of economic rights is made of the ownership right. This right is provided to citizens due to independence. Other economic rights directly depend on this right.

Article 36 is not limited only to the provision, "Everyone shall have the right to own property", other articles of the constitution maintain the provision of this right too. For example, article 53 defines that the state guarantees freedom of economic activity, entrepreneurship and labour with due regard for the priority of consumers' rights, equality and legal protection of all forms of ownership. An

owner may be deprived of his property solely in cases and procedures stipulated by law. According to article 54 an owner, at his discretion, possesses, uses and disposes of his property.

In accord with the norms of the constitution everyone has the right to work, free choice of work, fair conditions of labour and protection against unemployment in the procedure specified by law, and the forced labour is prohibited.

The rights of citizens to rest, to social security in old age, in the event of disability and loss of the bread-winner, to skilled medical care, to education, to research, to engineering work, the right to enjoy cultural benefits are also maintained in the constitution.

In the constitution along with important aspects of the constitutional foundations of human rights “the guarantees of human rights and freedoms” are provided in a special chapter of our constitution. This is a strong guarantee for realization of rights and freedoms peculiar to the Constitution of the Republic of Uzbekistan.

Article 43 of the constitution, by determining “The state shall safeguard the rights and freedoms of citizens”, vests a great responsibility in the state.

In a legal state the most powerful protector of citizens’ rights is a court. It has such an authority due to which it can protect citizens under any conditions. That’s why the rights of citizens’ appeals to court is determined in the constitutional order.

Other chapters of the constitution include provisions devoted to human rights. They play a special role in insuring human rights and also extend the constitutional foundations of human rights.

One of the main issues of any constitution is exercising the government authority. In this respect organizing properly the relations between government authority to be exercised by the state and citizens and ensuring the balance of interests in safeguarding the rights and freedoms is an important factor.

This issue is solved properly and reasonably in article 2 of the Constitution, which states: “The state shall express the will of the people and serve their interests. State bodies and officials shall be accountable to the society and citizens. This gives priority to the interests of citizens. There was no such provision in any constitution of the former soviet system.

The rule of article 4 of the constitution “the Republic of Uzbekistan shall ensure a respectful attitude toward the languages, customs and traditions of all nationalities and ethnic groups living on its territory, and the creation of the conditions for their development” is a basis for respecting the rights of not only citizens of Uzbekistan, but also all peoples living and staying in the republic.

Article 13 determines that “Democracy in the Republic of Uzbekistan shall be based on the principles common to all mankind according to which the

ultimate value is a human being, his life, freedom, honour, dignity and other inalienable rights.

Democratic rights and freedoms shall be protected by the Constitution and laws”. This rule is an official and constitutional recognition of man and his rights as supreme values in complete consistence with the spirit of the “Universal Declaration of Human Rights. At the same time this norm of the constitution serves as a basis for constitutional norms determining the human rights and makes the constitutional foundation of human rights.

In ensuring human rights the paragraph 1 of article 93 of the constitution plays a special role. It states that “the President of the Republic of Uzbekistan shall guarantee the observance of rights and freedoms of citizens, the Constitution and laws of the Republic of Uzbekistan”.

The democratization being conducted in our country has further extended the constitutional rights of citizens. As an example for this may be the amendment, introduced on April 16, 2014 to article 32 of the constitution. According to it development and enhancement of public control over the activity of state bodies is determined as a tool for citizens to realize their right to participate in the management of public and state affairs.

As a conclusion it can be said that the Constitution of Uzbekistan defines the foundations of the human rights deriving from international documents, and they provide opportunities for everybody to establish his personal life, to participate in political life, to enjoy a prosperous life.