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GUARANTEES OF HUMAN RIGHTS IN THE CONSTITUTION OF UZBEKISTAN

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ГАРАНТИИ ПРАВ ЧЕЛОВЕКА В КОНСТИТУЦИИ РЕСПУБЛИКИ УЗБЕКИСТАН

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ЎЗБЕКИСТОН РЕСПУБЛИКАСИНИГ КОНСТИТУЦИЯСИДА ИНСОН ҲУҚУҚЛАРИ КАФОЛЛАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИLМАТИРИЛМАТИРИЛМАТИРИЛМАТИРИLМАТИРИLМАТИРИLМАТИРИLМАТИРИLМАТИРИLМАТИРИLМАТИРИLМАTI

Determining the human rights in the legislation, their provision and protection has always been an urgent issue. When Uzbekistan gained its independence, there appeared an opportunity to adopt its, determining the constitutional foundations of human rights obtained a special importance. In this regard, according to the instructions of the chair of the commission on draft development of the Constitution I.A.Karimov, President of the Republic of Uzbekistan the international acts and experiences on human rights were studied. The norms of the constitution were made consistent as much as possible with international acts.
As a result the second chapter of the constitution, titled “Fundamental human rights, freedoms and duties of citizens” is composed of such sections as “General provisions”, “Citizenship”, “Personal rights and freedoms”, “Political rights”, “Economic and social rights”, “Guarantees of human rights and freedoms”, “Duties of citizens”.

Besides, article 13 of the first section titled Basic principles” has maintained the provision 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” and it laid a foundation for all rights and freedoms determined in the constitution. All other rights and freedoms serve to actually ensure the provision of this norm.

In determining the guarantees of human rights in the Constitution there is a specific approach which shows the specifics of the Constitution of Uzbekistan.

For example, in some countries, the Constitution of Russia does not maintain human rights by separating them into personal, political and economic rights.

As for as the Constitution of Uzbekistan it maintains the most fundamental human rights and freedoms in separate sections by dividing them into personal, political, economic and social rights. This clearly shows what these rights and freedoms are directed at and how much people benefit from them.

Among the human rights the personal rights are the priority rights which arise from the birth of a person, they are not provided by the state, the state ensures their protection. The personal rights must not be limited in any society and nobody shall be deprived of them. These features differ them from other rights. This right belongs to any person (regardless of his/her citizenship) living in the country.

Citizen’s political rights constitute the government organs and self-governing bodies. Only the citizens of Uzbekistan have this right.

The economic rights are the rights connected with the right to work, free choice of work, fair conditions of labour and protection against unemployment. All these rights are maintained in the constitution.

Another specific feature of the Constitution of Uzbekistan is the existence of a special chapter, titled “The guarantees of human rights and freedoms”. There is no such a special chapter in the constitutions of all other countries.

Article 43 of this chapter of the Constitution maintains the norm that “the state shall safeguard the rights and freedoms of citizens proclaimed by the Constitution and laws”. In ensuring these rights and freedoms the main responsibility rests in the state.

In order to realize this norm a number of events have been carried out. In protecting the citizens’ rights determined in the Constitution a special role is given to the Ombudsman institute organized on the initiative of the President of the Republic.

“I think it expedient to establish in the structure of the OliyMajlis (parliament) a special representative to take up the human rights issues. It will be consistent with the status of the supreme legislative organ. It is important that it should serve to raise to a new qualitative level the solution of human rights problems in our society” [1]. As it was predicted by the President that this system has been actively fulfilling its tasks so far. “The Republican Centre for protection of human rights” established by the Decree of the President on October 31, 1996, has realized great works in achieving the international standards in the protection of human rights.

In protecting human rights article 44 of the Constitution plays a special role. According to it “Everyone shall be entitled to legally defend his rights and freedoms, and shall have the right to appeal to court any unlawful actions of state bodies, officials and public associations”. On the basis of this article of the Constitution “the Law on courts” determines that the main function of courts is to protect the rights, freedoms and legitimate interest of citizens.

In realizing the rights and freedoms of citizens article 35 of the Constitution is of special importance. According to it “Everyone shall have the right, both individually and collectively, to
submit applications and proposals, and to lodge complaints with competent state bodies, institutions or public representatives.

Applications, proposals and complaints shall be considered in the procedure and within the time-limit specified by law”.

With the aim to enforce more strongly and implement articles 35 and 44 of the Constitution special laws have been adopted.

In ensuring the citizens’ rights and freedoms paragraph 1 of article 93 of the Constitution plays an important role. According to this article 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”. This norm is the strongest norm and an effective guarantee for realization of the rights and freedoms. While taking an oath for accepting the office of the President of the Republic of Uzbekistan the President takes the responsibility to guarantee the rights and freedoms of its citizens” [2].

The development of science and technology has not bypassed the citizens’ rights and freedoms. The period of technological development has born the necessity to extend the rights and treat them anew.

Article 29 of the Constitution determines that everyone has the right to seek, obtain and disseminate any information.

The Concept on further deepening of democratic reforms and development of a civil society in our country” put forward by the President of Uzbekistan” on November 12, 2010, pays a special attention to the issues of reformation of the information sphere and ensuring the freedom of speech”. In it he states that “as we are speaking about deepening the democratic processes, raising people’s political activity, their practical participation in political and social life, surely, without ensuring freedom of information, without turning the mass media into the podium for people to freely express their opinions, ideas and positions regarding the events occurring around, we will not be able to achieve our goals and that we can imagine for ourselves” [3].

From this it is clearly seen that the right to seek, obtain and disseminate any information belongs to the category of personal rights. As a result of development this right impacts the political activity of people, raises their participation in the social life to a new stage, and it is an important condition for laying the foundations for a democratic society in our country.

As a conclusion it is possible to say that the human rights do not belong to separate countries, it is an issue of international importance. A country is evaluated on the degree whether they are determined in the constitution and laws and how they are observed.

All the constitutions adopted in the last years have maintained the normative acts. But the issue is not solved by this only. Even in the Constitution of the former USSR a number of rights were determined too. The main and most difficult issue is to realize the rights and freedoms established in the Constitution.

But this needs the creation of appropriate mechanisms, political and economic conditions. That’s why in Uzbekistan the human rights and freedoms are paid a special attention not only in legislation but also in practice.

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2. Article 92 of the Constitution of Uzbekistan