Protection and Realization of Human Rights in the Republic of Uzbekistan during the Last 5 Years of the Period of Large-Scale Reforms

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A B S T R A C T

The article reveals the essence and results of the reforms conducted in the country on systemic strengthening and development of national mechanisms of human rights abiding and protection, as well as studies the actual situation of human rights in the country and makes the analysis of necessary reforms for further intensification and consistent continuation of democratic reforms in this sphere. Special attention is given to the methods and principles of implementation of the National strategy of the Republic of Uzbekistan on human rights.

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In recent years, our country has carried out wide-ranging and rapid reforms aimed at effective protection of human rights and freedoms. During this short historical period the implementation of constitutional norms and principles has been carried out with a significant difference than ever, the legal awareness of the population has been significantly improved, groundless accusations and persecution by the law enforcement have been eliminated, the true implementation of the constitutional principle of presumption of innocence has been achieved and actually, protecting the rights and freedoms of citizens is ensuring a truly independent judiciary through providing a supremacy of the law and the fair trial.

With the aim of gradual building a democratic state governed by the rule of law and a civil society in our country, a strategy of actions for further development of the country has been adopted. To be more accurate, the real path leading to the main aim of our country has become evident. It is repeatedly mentioned in the strategy that one of the main tasks of state authorities today remains the implementation of the principle "human interests are above all". Our country's position on human rights protection is based on the UN Charter, the provisions of the Universal Declaration of Human Rights and international agreements arising from them. The Republic of Uzbekistan has currently acceded to more than 80 international human rights instruments, including six basic treaties and four optional protocols of the United Nations and regularly submits national reports on their implementation to the Human Rights Council and the UN treaty committees. It should be noted that the adoption of the Presidential Decree "On Approval of the National Human Rights Strategy" of 22.06.2020 №PD-6012[1] is a necessary step to improve the mechanism of protection of human rights and liberties, in addition, the date of approval of the National Human Rights Strategy has a special symbolic meaning - the eve of signing the Charter of the United Nations.

The adoption of the Presidential Decree on the National Human Rights Strategy based on the Vienna Declaration and Program of Action is an important step in the development of institutional mechanisms of legal reform and protection of human rights that are implemented in Uzbekistan. As the Director of the National Center for Human Rights Akmal Saidov notes: "The National Strategy was developed on the basis of a comprehensive study of current issues of ensuring and protecting human

[1] See PD№ 6012 from 22.06.2020 y.

rights, analysis of the current legislation, law-enforcement practice and best foreign practices, as well as the results of broad public discussion, international and national consultations taking into account recommendations of international organizations, including statutory bodies and UN treaty committees. On this basis, we can say that this strategy shows the main goal and direction of state policy in the field of human rights and freedoms, which must be consistently implemented in Uzbekistan.

When it comes to actually carried out reforms in the field of human rights protection, then first of all we should note the innovations and adaptations in the criminal legislation. The Criminal Code introduced new types of punishment such as mandatory community service and restriction of freedom, criminal liability was established for falsification of evidence through introducing false information and other distortions in documents or items, forcing to give testimony that does not correspond to reality, distortion of factual circumstances in a case which led to an illegal detention, imprisonment, prosecution or conviction, criminal responsibility for false testimony and false testimony was enhanced. A criminal sanction for infringement the requirements on the inadmissibility of the use of underage labor and forcing them to work has been established. Criminal punishment in the form of arrest was abolished by expanding the use of alternative non-custodial sentences. As the statistics show, between 2017 and 2020, there were 107,795, in other words, 73.8% of persons sentenced with methods which are not related to imprisonment, in addition, the charges filed by the investigating authorities towards 26,608 persons were excluded or changed.

The total period of detention of suspect in all cases was changed from 72 hours to 48 hours, and the period of preliminary investigation was reduced from 1 year to 7 months. The institution admission of guilt was introduced, the basis for a more lenient punishment for the accused or suspect was established, the interest of the suspect or the accused in compensating the damage to the victim arose. Cases of groundless detention long before the trial were prevented. Investigative authorities also saw enormous reforms, due to the repeated detection of facts of violence, force and threats against the suspect, the person under investigation. Between 2017 and 2020, 60 law enforcement officers were prosecuted for gross violations of human rights. Currently, all measures are being taken to prevent infringement of the rights and liberties of suspects and those under investigation by improving the qualifications, legal awareness and responsibility of law enforcement officers. Investigative isolators and interrogation rooms are equipped with special video recording devices, the right to free and unlimited meeting of suspects and remand prisoners with a lawyer has been granted, thus creating the possibility of wider application of the principle of humanity to these persons. A completely new system of pardon and release of persons from punishment under the guarantee of public associations was introduced. The closure of the specialized penal colony located in the settlement of Jaslyk of the Republic of Karakalpakstan was an important humane event. As a result of the measures taken, the number of convicts held in prisons has decreased by 2.5 times.

As a result of healthcare reforms, the population has access to quality medical services. Most importantly, life expectancy in the country increased from 67.2 years in 1990 to 74.6 years in 2020, maternal mortality was cut by one and half and infant mortality decreased by 4 times.

The issue of protecting the rights and legitimate interests of low-income families, persons with disabilities, migrant workers, children, youth, women, the elderly was radically reviewed, and the issue of strengthening the institution of the family was strengthened. The Concept for Strengthening the Family System, which includes mechanisms for resolving family conflicts and issues related to the protection of the rights of women and children, was adopted. A number of legislative acts were adopted to achieve gender equality. These include the laws "On Protection of Women from Harassment and Violence"[2] and "On Guarantees of Equal Rights and Opportunities for Female and Male"[3] adopted in 2019. The problem of about 50 thousand compatriots who do not have the status of citizens of Uzbekistan and have been in the country for a long time was solved, and legal measures were taken to recognize them as citizens of Uzbekistan. The system of residence registration altered slightly to a system of notification.

It should be emphasized, that the role of the national parliament in this direction has increased significantly, and the introduction of the practice of approval by the chambers of the Supreme Soviet of reports on the condition of human rights in the country, national plans for further actions - "road maps" on development of cooperation with international and regional human rights mechanisms was an important new step in law-making. The performance of the Ombudsman and the National Centre for Human Rights of the Supreme Soviet have been fundamentally improved. The posts of Ombudsman for Children's Rights and Ombudsman for the Protection of Rights and Legal Interests of Entrepreneurs under the President of the Republic of Uzbekistan were introduced. A special place was given to the People's and Virtual offices of the President of the Republic of Uzbekistan, as well as to the offices of the Prime Minister to consider appeals of entrepreneurs.

By the way, the issue of protection of human rights and freedoms in Uzbekistan is becoming more and more urgent day by day, consequently the task of ensuring decent and prosperous living conditions for citizens is put on the agenda. For more effective achievement of goals at the further stage of the ongoing reforms in this area, the main directions should be highlighted:

- improving the quality of advocacy in the area of human rights and liberties;
- strengthening cooperation between government agencies and civil society organizations in the area of human rights;
- improving the primacy of law in the field of religion, speech, beliefs, access to information, non-discrimination, establishment of gender equality, social protection of elderly people, children, youth, women, disabled people and

[2] See Law-561 «On Protection of Women from Harassment and Violence» from 02.09.2019 y.
[3] See Law-561 «On Guarantees of Equal Rights and Opportunities for Female and Male» from 02.09.2019 y.

immigrants.

- improving the quality and coverage of education at all levels, developing a system of continuous education and ensuring education for all;
- introducing new training courses on human rights, women's rights, children's rights in schools, academic lyceums and colleges, as well as in higher educational institutions in order to gradually develop the legal literacy of the population in the area of human rights protection;
- ensuring protection of the rights of people with disabilities and low-income categories of the population;
- preventing crime, corruption, human trafficking, torture, and the maintenance of justice and human rights in detention, custody, and prison systems through the involvement of the general public and the media
- performing systematic capacity-building activities for judicial, law enforcement and other government officials to raise awareness of respect for human rights and liberties in society;
- strengthening constitutional guarantees of personal, political, economic, social and cultural rights and freedoms, including enhancing accountability for violations of these rights.

A systematic analysis and the results of a study of the actual situation in the country with regard to the protection of human rights and freedoms show that further step-by-step improvements are needed in this area through an in-depth study of international experience and the implementation of international human rights standards in order to achieve the set goals even more effectively.

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