

Guaranteeing Human Rights in the New Version of the Constitution

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Abstract: This article analyzes the issues of guaranteeing human rights and freedoms in the new Constitution of the Republic of Uzbekistan for 2023. The Constitution scientifically covers the norms related to the glorification of human dignity, strengthening legal guarantees of personal, political, economic, social and cultural rights. It is highlighted that the new Constitution brings the national system of ensuring human rights closer to the level of international standards. The results of the study show that the new Constitution defines human interests as a priority direction of state policy.

Keywords: human rights, Constitution, human dignity, rule of law, democracy, social state, constitutional guarantees, new Uzbekistan.

In modern democratic states, ensuring human rights and freedoms is an important criterion of state policy. The Constitution is the main normative and legal document that determines the legal guarantees of these rights and freedoms. The new edition of the Constitution of the Republic of Uzbekistan has launched a new stage in the protection of human rights in the country. The preamble to the Constitution specifically mentions the goal of ensuring human rights, freedoms and legitimate interests of the people.

The experience of the development of world statehood shows that ensuring human rights and freedoms is one of the main criteria for democratic development. It is impossible to form a legal state and civil society in a society where human rights are not protected.

Human interests are also at the center of large-scale reforms carried out in the Republic of Uzbekistan in recent years. In particular, the new edition of the

Constitution, adopted on the basis of a national referendum on April 30, 2023, brought national legislation in the field of human rights to a new level.

The preamble to the Constitution of the Republic of Uzbekistan specifically emphasizes the people's "fidelity to human rights and freedoms" and the goal of "glorifying human dignity." "We, the united people of Uzbekistan, solemnly declaring our loyalty to human rights and freedoms, national and universal human values, and the principles of state sovereignty, demonstrating our loyalty to the ideals of democracy, freedom and equality, social justice and solidarity, realizing our high responsibility to present and future generations in building a humane democratic state and an open and just society in which man, his life, freedom, honor and dignity are the highest values, relying on more than three thousand years of historical experience of the development of our statehood, as well as the scientific, cultural and spiritual heritage of our great ancestors who made an incomparable contribution to world civilization, earnestly committing to increasing the invaluable natural resources of our country and preserving them for present and future generations, and maintaining the purity of the environment, based on the universally recognized principles and norms of international law, the world community of Uzbekistan, first of all, "Striving to strengthen and develop friendly relations with neighboring countries on the basis of cooperation, mutual support, peace and harmony, and aiming to ensure a decent life for citizens, interethnic and interconfessional harmony, and the well-being and prosperity of our multinational Uzbekistan, we adopt and proclaim this Constitution." The purpose of writing this article is to analyze the constitutional norms regarding the guarantee of human rights in the new Constitution and assess their legal significance.

As President Sh.M. Mirziyoyev noted, "The noble idea of "For the dignity of man" is becoming the main criterion of all our reforms. "I am once again convinced that the work we have started together is beneficial for every labor team, every employee and his family. From now on, the noble idea of "For the dignity of man" will remain one of the priority directions of reforms in New Uzbekistan. Taking this opportunity, I sincerely congratulate you, dear ones, on the 120th anniversary of the trade unions of Uzbekistan and the upcoming Trade Union Day. I wish you all good

health, success and happiness in your responsible and honorable activities, and happiness, prosperity and blessings to your families,” the President said at the end of the meeting.

The essence of the idea that the noble idea “for the sake of human dignity” is becoming the main criterion of all our reforms is that the person and his interests should be at the center of state policy, laws, economic and social reforms. This idea implies the following principles.

Firstly, the priority of human interests should be ensured, state bodies should focus their activities on ensuring the rights, freedoms and legitimate interests of citizens. Any decision should be made based on how it affects human life.

Secondly, respect for human dignity should be ensured, the honor, dignity and rights of each person are recognized as the highest value. Article 13 of the new Constitution states that “The Republic of Uzbekistan is based on democratic universal human principles, according to which a person, his "Life, freedom, honor, dignity and other inalienable rights are the highest value. Democratic rights and freedoms are protected by the Constitution and laws."

Thirdly, the main goal of the state is to serve the people. This idea is inextricably linked to the principle that “the people should serve the state bodies, not the state bodies.” State bodies should serve to solve the problems of citizens and create favorable conditions for them.

Fourthly, the main content of the large-scale reforms carried out by the state is to fully meet the requirements of social protection and well-being. Ensuring human dignity means not only protecting rights, but also creating decent living conditions. This includes providing quality education, qualified medical care, decent working conditions, social protection, housing and a safe environment.

The number of articles on human rights and social guarantees in the new 2023 Constitution has been significantly increased. This indicates that the idea of “For the sake of human dignity” has a legal basis.

If we think about it from the point of view of the content and essence of the scientific and legal theories and definitions of scientists. The idea of “for the sake of human dignity” is a constitutional expression of the principles of the primacy of

human rights, the rule of law and the social state. Its main goal is to determine not the effectiveness of state activity, but the extent to which human rights, freedoms and quality of life are ensured as the main criterion.

In short, this idea means putting a person at the center of the development of the state and society, building a just and prosperous society by ensuring the dignity, rights and interests of every citizen.

A.Kh. Saidov noted, “The updated Constitution of Uzbekistan guarantees the right of citizens to appeal to national and international human rights bodies. We also paid special attention to protecting the rights of women, children, youth, and people with disabilities, and gave constitutional status to the principles of social justice,” he said. In addition, in accordance with UN recommendations, a National Preventive Mechanism was created within the “Ombudsman Plus” system. The Ombudsman for Children’s Rights, the National Center for Human Rights, and the Ombudsman for Entrepreneurs’ Rights were given the authority to monitor the activities of penitentiary institutions. It was reported that human rights institutions of Uzbekistan are also closely cooperating with civil society institutions in order to improve the activities of non-governmental non-profit organizations and support them in increasing their competence in the field of human rights.”

From this perspective, the study of the humanistic nature of the new Constitution is of urgent importance. This approach is reflected in the entire content of the new Constitution. Strengthening constitutional guarantees in the field of human rights is important in terms of ensuring the effectiveness of democratic reforms in the country.

Scientific analysis of the norms on the guarantee of human rights in the new Constitution and assessment of their legal significance. Study of the constitutional foundations of the concept of human rights, analysis of new norms on human rights, comparative assessment with international legal standards and determination of the practical significance of constitutional guarantees.

In the course of writing this article, I purposefully used the following methods. Analysis of normative and legal acts adopted on the basis of the new Constitution, comparative legal analysis of normative and legal acts, historical

approach to normative and legal acts, analysis of normative and legal acts and legal sources, systematic and complex analysis methods were effectively used. The Constitution of the Republic of Uzbekistan, international documents in the field of human rights and scientific works of national scientists have established.

These changes can be considered as a legal strengthening of the idea of "For the sake of human dignity" put forward in the Development Strategy of the New Uzbekistan. The direct implementation of human rights The new Constitution has strengthened the mechanism for the implementation of human rights. According to Article 20 of the Constitution, "A citizen of the Republic of Uzbekistan and the state are bound by mutual rights and obligations towards each other. The rights and freedoms of a person enshrined in the Constitution and laws are inviolable and no one has the right to deprive them of or restrict them without a court decision. Human rights and freedoms are directly applicable. Human rights and freedoms determine the essence and content of the activities of laws, state bodies, citizens' self-government bodies, and their officials. Legal measures of influence applied by state bodies to a person must be based on the principle of proportionality and be sufficient to achieve the goals stipulated by the laws. All contradictions and ambiguities in the legislation that arise in the relationship between a person and state bodies shall be interpreted in favor of the person."

This norm allows citizens to directly apply the provisions of the Constitution in protecting their rights.

As noted by legal scholar O. Yusupov, "The direct application of constitutional norms is one of the important features of a constitutional state." This norm makes the mechanisms for implementing human rights more effective.

The Constitution strengthens the rights and freedoms of individuals and expands guarantees for personal integrity.

Article 26 of the new Constitution of the Republic of Uzbekistan states that "The honor and dignity of a person are inviolable. Nothing may serve as a basis for their discrimination. No one may be subjected to torture, violence, other cruel, inhuman or degrading treatment or punishment. No one may be subjected to medical and scientific experiments without his or her consent." The Constitution

significantly strengthens the protection of personal rights and freedoms, and guarantees of personal integrity. It also states that no one may be subjected to torture, violence, or degrading treatment. These provisions are consistent with the requirements of the UN Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In the new Constitution of the Republic of Uzbekistan, we can see the expansion of social rights and the legal strengthening of the concept of a social state. The Constitution guarantees the rights of every person, such as the right to decent work, the right to social security, the right to access qualified medical care, and the right to education.

This norm provides for the direct application of the provisions of the Constitution by courts and state bodies. The priority of human interests in relations between the state and man, the new version of the Constitution has strengthened a completely new legal approach to relations between man and the state. This norm legally strengthens the humanitarian nature of the state.

The recognition of human dignity as a supreme value is one of the most important features of the new version of the Constitution, which places human rights and freedoms at the center of state policy.

Kh.T. Odilkariev noted that “the main task of constitutional statehood is to protect human interests and create conditions for their free development.” This provision has further increased the importance of human rights compared to the previous version.

These norms serve to strengthen the social protection of the population.

The new Constitution of Uzbekistan introduces a new approach to the relationship between the state and the individual, recognizing the interests of the individual as the priority in the relationship between the state and the individual.

Article 20 of the new Constitution of Uzbekistan states that “A citizen of the Republic of Uzbekistan and the state are bound by mutual rights and obligations towards each other. The rights and freedoms of a person enshrined in the Constitution and laws are inviolable and no one has the right to deprive them of or restrict them without a court decision. Human rights and freedoms are directly applicable. Human rights and freedoms determine the essence and content of the

activities of laws, state bodies, citizens' self-government bodies, and their officials. Legal measures of influence applied by state bodies to a person must be based on the principle of proportionality and be sufficient to achieve the goals stipulated by the laws.

All contradictions and ambiguities in the legislation that arise in the relationship between a person and state bodies shall be interpreted in favor of the person.” This provision shows that it has significant legal significance in the field of ensuring human rights.

The results of the analysis show that the new Constitution of the Republic of Uzbekistan has formed a modern legal mechanism for the protection of human rights and freedoms. In particular, human dignity has been defined as the highest value. The direct application of human rights has been guaranteed. The protection of individual rights and freedoms has been strengthened. Social rights have been expanded, and the priority of human interests in relations between the state and man has been strengthened. Therefore, the new Constitution is a solid legal foundation for ensuring human rights and building a legal democratic state in Uzbekistan.

The expansion of social rights, the new Constitution has legally strengthened the status of Uzbekistan as a social state.

Our President Shavkat Mirziyoyev, at a meeting with members of the constitutional commission on June 20, 2022, put forward the idea of strengthening the principle “Uzbekistan is a social state” in our Constitution. In the Address of the Head of our state to the Oliy Majlis and the people of Uzbekistan, this idea was further strengthened and priority areas for building a social state were outlined. The Head of our state emphasized this, saying, "We aim to build a New Uzbekistan on the basis of the principle of a "social state". We must strengthen this in the Constitution."

The concept of "social state" is closely related to the concept of "Human dignity", and the fundamental basis of this idea is, first of all, the noble goal of glorifying human dignity and serving the population. A social state creates decent living conditions for every person based on the principles of social equality and

justice. It is a model of a state that conducts an effective policy to reduce social disparities and help those in need.

The social state also provides for the provision of housing for the needy and the minimum amount of consumer goods necessary for living. It requires a salary sufficient for a person and his family to live a decent life, ensuring employment, creating safe working conditions, and reducing poverty.

Such a noble goal is also embodied in the reforms implemented in our country in recent years to improve the living standards of the population, ensure employment, guarantee quality education, qualified medical care, create equal opportunities for all, and provide comprehensive support to families, children, women, the elderly, and persons with disabilities.

The draft Constitutional Law of the Republic of Uzbekistan “On Amendments and Addenda to the Constitution of the Republic of Uzbekistan” also reflects a number of norms aimed at protecting the interests of the population in need of social protection. In particular, amendments have been made to Article 37 of our current Constitution, stipulating that “Everyone has the right to decent work, free choice of profession, work in comfortable working conditions that meet safety and hygiene requirements, to receive fair remuneration for their work without any discrimination and not less than the established minimum wage, as well as protection from unemployment in the manner prescribed by law.”

These rights serve to improve the standard of living of the population. In line with international legal standards, the new Constitution has been improved in accordance with the generally recognized principles of international human rights law. The Constitution guarantees such rights as the right to decent work, the right to social security, the right to housing, the right to medical care, and the right to education.

As A.Kh. Saidov noted, “The implementation of international standards in the field of human rights into national legislation is an important condition for building a state based on the rule of law.”

These are norms and rules recognized by the international community for the protection of human rights. They are reflected in the following documents: the

Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other international conventions adopted by the United Nations.

“Implementation” means the incorporation of the rules set forth in international documents into national legislation and their practical application. For example, if an international document establishes the right of every person to education, the state must also strengthen this right in its Constitution and laws and create conditions for its implementation. A state governed by the rule of law is a state in which the rule of law prevails, human rights are protected, and state bodies operate within the framework of the law.

This opinion means that if the state wants to be a real legal state, it should include internationally recognized rules on human rights in its laws and ensure them in practice. It is not enough to pass a law. These rights should also work in life, the honor and dignity of a person should be protected, freedom of speech and opinion should be ensured, a fair judicial system should work, and the rights to education, medical services and social protection should apply.

International law requires the prohibition of torture. If the state strengthens this requirement in its Constitution and laws and does not allow the use of torture by law enforcement agencies, this is a practical example of the implementation of international standards into national legislation.

From a scientific point of view, this opinion is based on the principle of universality of human rights. That is, human rights are not only the internal affairs of one country, but are universal values. Therefore, the introduction of international standards into the national legislation is considered as an important indicator of the democratic and legal development of the state. "Implementation of international standards in the field of human rights into national legislation is an important condition for building a legal state" means that it is possible to establish a legal state based on the rule of law, justice and human interests by incorporating international human rights regulations into the laws of the country and ensuring them in practice.

The analysis shows that the human rights norms of the Constitution comply with the requirements of UN documents and international conventions.

The research results made it possible to draw the following conclusions. First, the newly revised Constitution established human dignity as a central principle of state policy. Second, the direct enforcement of human rights created an effective legal mechanism for the protection of rights. Thirdly, the priority of human interests in the relationship between the state and the individual was strengthened. Fourthly, social rights have been expanded and the status of Uzbekistan as a social state has been strengthened from a legal point of view. Fifth, the Constitution was adapted to international standards in the field of human rights. Therefore, the new version of the Constitution serves as a solid legal basis for ensuring human rights and freedoms and building a legal democratic state.

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