

Reforms to Protect the Rights of Condemned in Uzbekistan

Mukhitdinova Firuza Abdurashidovna* and Hosiyat Mirzahmetova

Tashkent State Law University, Uzbekistan

Abstract

The article discusses the reform and rehabilitation of convicts approved by the Republic of Uzbekistan, which includes including: introducing the value of the innovative system of transparent and open legal proceedings in Uzbekistan in the area of ensuring the rule of law and further reforming the legal system - further strengthening the constitutional guarantees of the privacy of citizens.

Keywords: Reform; Rehabilitation; Convict; Law; Punishment; Court

Relevance

As we know, the Action Strategy for the five priority directions of development of the Republic of Uzbekistan in 2017–2021 opened a new stage of reforms in the judicial and legal sphere. As part of the implementation of the Strategy, more than 50 legislative acts were adopted aimed at ensuring genuine independence and freedom of the judiciary, improving the quality and transparency of justice, and expanding the use of the Habeas Corpus institution. An important role in this is played by the Decree of the President of the Republic of Uzbekistan “On additional measures to strengthen the guarantees of the rights and freedoms of citizens in judicial-investigative activities” dated November 30, 2017 [1].

It raised issues of observance of the rights and freedoms of citizens in judicial and investigative activities, further improvement of the criminal procedure and criminal enforcement legislation, ensuring the practical implementation of constitutional principles. According to Article 8 of the Penal Code of the Republic of Uzbekistan, convicted persons have the rights, freedoms and obligations imposed on citizens of the Republic of Uzbekistan, with exceptions and restrictions established by this Code and other laws. Convicted foreign citizens and stateless persons may also have rights, freedoms and bear obligations established by international treaties of the Republic of Uzbekistan. The rights and obligations of convicts are determined on the basis of the order and conditions of execution of a particular type of punishment. I would like to focus on the basic rights of convicts: how, According to Article 9 of the Penal Code of the Republic of Uzbekistan, the basic rights of convicts are indicated and they have the following rights:

receive information on the procedure and conditions of serving the sentence, on their rights and obligations; apply in their native language or in another language with proposals, statements and complaints to the administration of the institution or body that executes the punishment, to other state bodies and public associations;

Receive answers to their proposals, statements and complaints in the language of the appeal. If it is not possible to give an answer in the language of the appeal, it is given in the state language of the Republic of Uzbekistan. Translation of the answer into the language of the convicted person's arrest, transfer to the disciplinary unit and deprivation of liberty is provided by the institution or body that executes the punishment;

With diplomatic missions of the state that has taken over the protection of their interests. As we know, every convicted person has the right to personal security.

When a threat arises to the personal security of the convicted

person to arrest, to be sent to the disciplinary unit or to imprisonment, he is entitled to apply to any official of the institution or body executing the punishment for personal security. The official whom the convicted person has addressed is obliged to take immediate steps to ensure his personal safety. The head of the institution or body that executes the punishment takes the necessary measures to eliminate the threat to the personal safety of the convicted person.

Also important is ensuring the freedom of conscience of convicts in Uzbekistan. Since, the Constitution of the Republic of Uzbekistan guarantees all citizens the freedom of conscience. This also applies to persons undergoing punishment in penal institutions. Convicted persons are guaranteed freedom of conscience. They have the right to profess any religion or not to profess any. To persons who are serving a sentence of arrest or imprisonment, at their request, ministers of religious associations registered in the prescribed manner are invited. Convicts are allowed to perform religious ceremonies, use of religious objects and religious literature.

Religious ceremonies are voluntary and should not violate the internal regulations of the institution that executes the punishment, as well as violate the rights and legitimate interests of others [2].

In the Republic of Uzbekistan, the activities of the national penitentiary system are regulated with the participation of the norms and institutions of the penitentiary legislation. The “core” of this legislation is the current Criminal Executive Code of the Republic of Uzbekistan (hereinafter - PEC RUz.), Approved by the Law of the Republic of Uzbekistan No. 409-1 of April 25, 1997. With amendments in accordance with the Law of the Republic of Uzbekistan of 04.09.2014 -373 and includes subsequent changes and additions. This Code, as well as the legislative acts of other Central Asian states, devoted to the sphere of execution of punishments and adopted at the turn at the turn of the XX-XXI centuries, it preserves the structure of the former legislation of the Soviet era and some novels reflecting the state of the criminal executive policy of the state in the changed historical

*Corresponding author: Mukhitdinova Firuza Abdurashidovna, Doctor of Law, Professor of Tashkent State Law University, Uzbekistan, Tel: (+998)935098701; E-mail: feruza.mukhitdinova@gmail.com

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conditions of its development. In accordance with Article 1 of the PEC RUz. "...The criminal executive legislation is based on the Constitution of the Republic of Uzbekistan and consists of this Code, as well as other legislative acts adopted in accordance with it". Thus, the constitutional provisions are designated as dominant in the design of criminal-executive norms and institutions. PEC RUz. Determines the principles, procedure and conditions for the execution of criminal punishment and other measures of criminal law influence. Consequently, along with the execution of punishments, he regulates the scope of the execution of other measures of criminal law influence, the punishment of those who are not acting as independent criminal law means. The current PEC of the Republic of Uzbekistan also determines the basis of the legal status of convicts, the means of their correction, and the procedure for releasing convicts from serving punishment, the procedure for institutions and bodies that execute punishment. In the above-mentioned Article 1 of the PEC RUz. Besides this, the subject of regulation of the criminal-executive legislation includes the "participation of bodies of state power and self-government of citizens, enterprises, institutions, organizations, public associations and citizens in the correction of convicts". In Article 2 of the PEC of the Republic of Uzbekistan, the tasks of the criminal executive legislation are named. This is "...ensuring the execution of punishment, the correction of convicts, the prevention of the commission of crimes, the protection of the rights, freedoms and legitimate interests of convicts". The task of correcting a convict is essential. In this important fact was signed by the Decree of the President of the Republic of Uzbekistan "On measures to radically increase the efficiency of the internal affairs bodies, strengthening their responsibility for ensuring public order, reliable protection of the rights, freedoms and legitimate interests of citizens" launched the reform of the internal affairs bodies.

National and foreign experience shows that traditional measures such as toughening responsibility for crimes and other offenses, the use of technical means in carrying out operational search activities, strengthening control over the person who committed the offense, do not always give the expected result in lowering the crime rate. This, in turn, necessitates the use of new methods of work in the prevention of crime, the establishment of a close dialogue with the public and the public, the establishment of a system of public control over the activities of internal affairs bodies, and the introduction of modern information and communication technologies. The decree deeply analyzed the existing serious shortcomings and problems, their causes, as well as their negative consequences, the official commentary to the document says. The President signed a decree on the transformation of the police into a "community-oriented professional service," whose duty is to "serve the interests of the people."

In particular, it was noted that the main tasks and functions between divisions of the republican, middle and lower level are not clearly delineated; the organizational and staff structure of the internal affairs bodies does not correspond to the scope of their work. In particular, it was noted that the main tasks and functions between divisions of the republican, middle and lower level are not clearly delineated; the organizational and staff structure of the internal affairs bodies does

not correspond to the scope of their work. As a result, some senior executives do not use all of their existing strengths and capabilities in their work, while the workload of grassroots divisions far exceeds their actual capabilities, which, in turn, is the reason for the reduction of responsibility in the performance of official duties.

Also, an important step byd is the Decree of the President of the Republic of Uzbekistan "On measures to fundamentally improve the legal support of ongoing reforms" to ensure coordinated and coordinated activities of public authorities and administration becomes important in the context of large-scale reforms at the current stage of the country's development. The main objectives of the judicial and legal reforms implemented in Uzbekistan are to change the essence of the judicial and legal system, to make it the main guarantor of effective protection of human rights, as well as to ensure genuine independence of the judiciary. Over the years of independence, concrete measures have been taken and are being implemented in this direction in the country. In order to improve the quality of consideration of cases in courts, in accordance with the Law "On Courts", the courts are specialized in criminal, civil and economic, administrative cases, and an appeal procedure has been introduced. Today, citizens, in case of disagreement with the decision of the court of first instance, have the opportunity to defend their rights and interests in the appellate and cassation instances with the participation of their lawyer. The innovations contributed to the timely correction of errors committed by the courts, the prevention of excessive red tape in their activities.

The powers of the court to implement the effective protection of the rights of citizens, in connection with the transfer from the prosecutor's office to the courts of the right to issue a custodial sanction (introduction of the Habeas Corpus Institute) from January 1, 2008, have been significantly expanded. An important priority in the further implementation of judicial and legal reforms aimed at comprehensively ensuring the effective protection of human rights and freedoms is the strengthening of the bar. Thus, Article 116 of the Constitution of the Republic of Uzbekistan guarantees the right of citizens and organizations to professional legal assistance provided by the legal profession. Today, it is important that other measures are also being taken to enhance the professionalism of the police and to involve civilians in the prevention of crime. The new special rating system for law enforcement officers, introduced this month, is aimed at combating corruption and increasing the efficiency of their work. Since April 1, 2018, a rating assessment has been introduced for the activities of internal affairs departments, according to which employees will be rewarded for effective work to ensure public order, crime prevention and the fight against crime, and for unsatisfactory work they will be subject to penalties." Uzbek police officers plan to use the experience of cities in the United States to implement an area monitoring program to unite law enforcement agencies and civilians.

References

1. Presidential Decree of the republic of Uzbekistan (2017).
2. Karimov I (1994) Criminal Code of the Republic of Uzbekistan.