

# What Expect Ngos and Ingo after the Referendum on the new Constitution of the Republic of Uzbekistan?

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## Abstract

This article analyzes the legal framework for the development of civil society institutions and their cooperation with state authorities and INGOS. Especially, emphasis is placed on strengthening the activities of INGOS in ensuring the freedoms, rights and interests of citizens of Uzbekistan. Based on the analysis of individual new articles, logical conclusions are made about what situations INGOS can provide assistance in the field of human rights.

**Keywords:** new version of the Constitution of the Republic of Uzbekista; referendum; article; freedom; human rights; civil society institutions NGOs; INGOS

## Introduction

On March 10, 2023, at a regular meeting of the Legislative Chamber of the Oliy Majlis, the issue of holding a referendum on the draft Constitutional Law of the Republic of Uzbekistan "On the Constitution of the Republic of Uzbekistan" was considered. To date, more than 220,000 proposals have been received on the draft Constitutional Law. Over 60 percent of them are given directly by young people. In the updated Constitution, special attention is required by Chapter X. Guarantees of the rights and freedoms of man and citizen and Chapter XIII. Civil Society Institutions".

The Constitution of the Republic of Uzbekistan enshrines the main provisions that ensure human rights and freedoms, and the highest goal of the state is to ensure the guarantee of these legal norms. The state ensures the rights and freedoms of man and citizen, enshrined in the Constitution and laws.

### Analysis of the articles of the new edition of the Constitution of the Republic of Uzbekistan

In our opinion, the wording of the Constitution of the Republic of Uzbekistan contributes to the renewal of the fundamental legal foundations of the rights and freedoms of citizens of the Republic, the activities of NGOs, civil society institutions, trade unions, public associations, National Human Rights Institutions.

The analysis shows that in the new version of the Constitution of the Republic of Uzbekistan, special attention is paid to the rights and freedoms of all citizens of the country. It is noteworthy that the emphasis is placed on

the activation of NGOs, civil society institutions in the field of protecting the rights and interests of citizens.

**For example:** Article 55. Everyone has the right to protect their rights and freedoms by all means not prohibited by law. Everyone is guaranteed judicial protection of his rights and freedoms, the right to appeal to the court against illegal decisions, actions and inaction of state bodies and other organizations, their officials. To restore their violated rights and freedoms, everyone is guaranteed the right to have their case considered by a competent, independent and impartial court within the time limits established by law. Everyone has the right, in accordance with the legislation and international treaties of the Republic of Uzbekistan, to apply to international bodies for the protection of human rights and freedoms, if all available domestic remedies have been exhausted. Everyone has the right to state compensation for damage caused by illegal decisions, actions or inaction of state bodies or their officials. (Draft Constitutional Law of the Republic of Uzbekistan. "On the Constitution of the Republic of Uzbekistan", 2023)

Please note that this article states that "everyone has the right, in accordance with the legislation and international treaties of the Republic of Uzbekistan, to apply to international bodies for the protection of human rights and freedoms if all available domestic remedies have been exhausted."

This suggests that now every person who has doubts about ensuring their rights and interests, who has claims against a judicial decision of the judicial authorities in the country, can turn to international legal organizations, that is, INGOS.

For example, in Russia, statistics show that 18,000 Russian citizens are currently pending before the European Court of Justice. They are deprived of the right to compensation and review of judicial acts issued in violation of the European Convention. The new laws contradict the Constitution of the Russian Federation and the current Federal Law "On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols." Their adoption can be regarded as the introduction of an emergency legal regime, when the basic constitutional norms that ensure the protection of human rights and freedoms are canceled or suspended.

However, the discussion of innovations will not change anything, so let's take this fact for granted now. Let's better see what to do for the Russians, on whose complaints the ECHR rulings entered into force after March 15, 2022, or whose complaints are just pending consideration.

"Everyone has the right, in accordance with the international treaties of the Russian Federation, to apply to interstate bodies for the protection of human rights and freedoms if all available domestic remedies have been exhausted" (Part 3 of Article 46 of the Constitution of the Russian Federation)

### **International human rights organizations on guard for the protection of human rights**

World practice shows that many citizens apply to international organizations and INGOs on the issue of protecting their freedom, rights and interests. For example:

**United Nations (UN):** The Human Rights Council is an intergovernmental body of the UN system, which is composed of 47 states responsible for the promotion and protection of all human rights around the world. The Human Rights Committee is a body of independent experts who monitor the implementation by States parties of the International Covenant on Civil and Political Rights.

**European Court of Human Rights.** Founded in 1959, the European Court of Human Rights is an international judicial body competent to rule on complaints lodged by individual applicants or states. Complaints must relate to violations of civil and political rights set forth in the European Convention on Human Rights.

United Nations Educational, Scientific and Cultural Organization (UNESCO). In order to carry out its mandate, UNESCO performs five main functions:

- conducts forward-looking research into the forms of education, science, culture and communication needed in tomorrow's world;
- promotes, transfers and exchanges knowledge, relying mainly on research, training and teaching;
- carries out normative activities: preparation and adoption of international acts and mandatory recommendations;
- Provides expert services to Member States to define their development policies and develop projects in the form of technical cooperation;
- exchanges specialized information.

**Representation of the International Labor Association (ILO).** The main areas of activity are the promotion of national decent work programs in the countries of the region, the development of social dialogue, social protection, employment development, labor protection, gender equality in the world of work, HIV / AIDS in the workplace, the elimination of child labor. (S. Okhotin, 2022).

Previously, the appeal of citizens on legal or political issues to INGOs was not observed. If there is not made public and the media kept silent about it. This suggests that the public practically did not know anything about this.

It should be noted that such a legal practice was not previously in Uzbekistan. In our opinion, this is very necessary for Uzbekistan. Because it will give all

citizens to challenge or defend their rights. This will give a powerful impetus to the development and improvement of the legal culture of the population. This will result in the following:

- development and improvement of the legal culture of the population;
- revitalization of the activities of local NGOs and civil society institutions and government bodies;
- interaction of local NGOs with INGOs;
- interaction of government bodies with INGOs;
- accelerating the implantation of international legal norms in Uzbekistan;
- accumulation of an increase in the number of Ingos in Uzbekistan and their participation in the liberalization and modernization of the country.

In our opinion, this strengthens the interaction and cooperation of local Ngos and civil society institutions and government bodies with Ingos. We believe that all parties benefit from cooperation and this strengthens friendly relations, constructivism and political and legal pragmatism.

### **Another important point in the new edition of the Constitution of the Republic of Uzbekistan is Article 56.**

National human rights institutions complement the existing forms and means of protecting human rights and freedoms, promote the development of civil society and enhance the culture of human rights. The state creates conditions for organizing the activities of national human rights institutions.

The National Human Rights Institutions is one of the important institutions that monitors the provision of human rights and freedoms in Uzbekistan. The structure of the national human rights institutions of Uzbekistan includes the Commissioner of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman), the Commissioner under the President of the Republic of Uzbekistan for the protection of the rights and legitimate interests of business entities and the National Center of the Republic of Uzbekistan for Human Rights. Their work is organized and constantly improved on the basis of international human rights standards and best international practices.

Commissioner of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) - considers and investigates complaints of human rights violations, recommends measures to eliminate mistakes made by individual organizations and officials, promotes the restoration of human rights. Regional representatives of the Ombudsman have been working in all regions of Uzbekistan since 2000. They have significantly increased the effectiveness of the Ombudsman's work by considering citizens' appeals, as well as in places of detention, conducting their own investigations, as well as presenting information on human rights at meetings of local councils.

The National Human Rights Institute mainly cooperates with many Ingos. For example: Konrad Adenauer Stiftung (KAS), Friedrich Ebert Stiftung (FES), Office of the United Nations High Commissioner for Human Rights (OHCHR), Penal Reform International (PRI), Office for Democratic Institutions and Human Rights Organization for Security and Cooperation in Europe (OSCE/ODIHR), Transparency International, Amnesty International - Human Rights Charity, Human Rights Watch and others.

We believe that from now on, this article strengthens the international cooperation of National Human Rights Institutions with INGOs. In turn, this strengthens human rights legislation and brings it closer to international standards.

### **One of the important articles is Article 58.**

Women and men have equal rights. The state ensures equal rights and opportunities for women and men in managing the affairs of society and the state, as well as in other areas of public and state life.

Women's rights are recognized as an integral part of human rights. In addition, women's rights are one of the 17 goals of the 2030 Agenda for

Sustainable Development. Specifically, Sustainable Development Goal 5 is “Achieve gender equality and empower all women and girls”.

In recent years, in our country, ensuring the rights and interests of women, gender equality, protecting the family, motherhood and childhood, developing women's entrepreneurship, creating jobs for women, and improving their living and working conditions have become a priority of state policy in our country. The role of women in public administration is increasing.

For the first time, following the results of the parliamentary elections at the end of 2019, women made up 32 percent of the deputies of the Legislative Chamber of the Oliy Majlis, 25 percent of the members of the Senate. According to this indicator, Uzbekistan is among the top 50 countries. This testifies to fundamentally new approaches and trends in organizing the activities of the Uzbek parliament and promoting the principles of gender equality.

To achieve the goal of the fifth of the Sdgs, Uzbekistan has developed nine targets aimed at ensuring gender equality and empowering women and girls.

In accordance with the Committee's recommendations, gender-oriented laws "On Guarantees of Equal Rights and Opportunities for Women and Men", "On Protection of Women from Harassment and Violence", and "On Protection of Citizens' Reproductive Health" were adopted. An equal marriage age for women and men has been established, and restrictions related to women's choice of previously prohibited forms of labor activity and other gender-asymmetric provisions of labor legislation have been lifted. The Strategy for achieving gender equality in the Republic of Uzbekistan until 2030 and the Set of measures for its implementation in 2021-2022 were approved. (E.Shamsutdinova, 2022)

Uzbekistan has established a state trust fund to support women, designed to provide all possible support to women, to promote their participation in the organization of family and private entrepreneurship, handicrafts, and their acquisition of knowledge and skills in professions that are in demand on the labor market. The Republican Commission for the Systematic Problem Solving and Social Support of Women has been formed, which studies and identifies the life problems of women in all regions, organizes work to reduce poverty and improve the welfare of the population. (Sixth Report of Uzbekistan, 2022)

At present, women make up 45 per cent of workers and employees working in various fields and sectors of our country. “For the first time in the history of Uzbekistan, the number of women in the national parliament has reached a level that meets the recommendations set by the Un. The parliament of our country has risen to 37th place among 190 national parliaments of the world in terms of the number of women deputies. However, even [5-6] years ago, our country was in 128th place in this indicator. In particular, the opportunities and conditions created for women to receive higher education have reached a level that many countries in the world can equal. In particular, [4.8] percent [492,333] of more than a million students studying in higher educational institutions of the republic in 2022 were women. (Abira Huseynova, 2023)

Gender statistics show that the participation of women in public affairs is increasing year by year. Uzbekistan's gender policy is approaching international standards.

### **Strengthening civil society and cooperation with ngos**

A mature civil society is the dream of every state. For the development and strengthening of civil society and the activation of civil society institutions, several articles are strengthened in the Constitution. For example: Article 69. Civil society institutions, including public associations and other non-state non-profit organizations, citizens' self-government bodies, and the mass media form the basis of civil society. The activities of civil society institutions are carried out in accordance with the law.

### **Article 70**

In the Republic of Uzbekistan, trade unions, political parties, societies of scientists, women's organizations, organizations of veterans, youth and persons with disabilities, creative unions, mass movements and other associations of citizens are recognized as public associations. The dissolution, prohibition or restriction of the activities of public associations may take place only on the basis of a court decision.

### **Article 72**

The state ensures the observance of the rights and legitimate interests of non-governmental non-profit organizations, creates equal legal opportunities for them to participate in the life of society. Interference of state bodies and officials in the activities of non-state non-profit organizations, as well as interference of non-state non-profit organizations in the activities of state bodies and officials is not allowed.

From now on, Uzbekistan has a new definition regarding the institutions of civil society. According to Article 69. “Civil society institutions, including public associations and other non-state non-profit organizations, citizens' self-government bodies, the media form the basis of civil society. The activities of civil society institutions are carried out in accordance with the law.”

Previously, political parties appeared as a separate entity, one of the institutions of civil society. Now, four main organizations are the foundation of civil society institutions. And other organizations are considered as an integral part of these large organizations, including political parties. Nine organizations are part of public associations.

We believe that this change does not greatly change the position of the subjects of the institution of civil society. However, state support is guaranteed.

However, with the help of Article 71. The category of organization is specified, which, poses a threat to the security of the stable development of Uzbekistan. For example: “It is forbidden to create and operate political parties, other non-state non-profit organizations with the goal of forcibly changing the constitutional order, opposing the state sovereignty, territorial integrity and security of Uzbekistan, promoting war, social, national, racial and religious hatred, infringing on constitutional rights and freedom of citizens, public health, public morality, as well as political parties on national and religious grounds, paramilitary associations. The creation of secret societies and associations is prohibited.”

### **Conclusion**

We believe that the new version of the Constitution of the Republic of Uzbekistan opens up new horizons and opportunities for government bodies, civil society institutions and local ngos to cooperate with Ingos.

New articles ranging from 55 to 75 update the legal status of civil society institutions, local Ngos and Ingos. From now on, every citizen of the Republic of Uzbekistan has the right to directly appeal to international legal organizations when his rights are infringed and cannot find justice in his country. International bodies for the protection of human rights and freedoms have the right to directly deal with the issues of the offense of citizens of the Republic of Uzbekistan. And this will give them the opportunity to use various tools (recommendations, joint cooperation, practical participation, “political pressure”).

### **References**

1. (2023). Draft Constitutional Law of the Republic of Uzbekistan. “On the Constitution of the Republic of Uzbekistan”
2. Okhotin Sergey. (2022). Replacing the ECtHR: alternative means of protecting the rights of Russians.

3. Elza Shamsutdinova, (2022). Chairman of the Bektemir District Court for Criminal Cases. Gender policy in Uzbekistan is an important criterion for protecting *human interests*.
4. (2022). Gender policy. The sixth report of Uzbekistan is submitted.
5. Abira Huseynova, (2023). member of the Senate of the Oliy Majlis of the Republic of Uzbekistan. The President's greeting gave us new energy.



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