EXPANSION OF GUARANTEES OF HUMAN RIGHTS AND FREEDOMS IN THE NEW EDITION OF THE CONSTITUTION OF THE REPUBLIC OF UZBEKISTAN

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Abstract: This article examines the substantive and institutional expansion of human rights guarantees under the revised Constitution of the Republic of Uzbekistan, approved by referendum on 30 April 2023. Using doctrinal legal analysis, a comparison of constitutional models, and human-rights-based interpretation, the study identifies four interconnected changes: direct constitutional applicability of rights; increased procedural safeguards against arbitrary state action; constitutional entrenchment of social, economic and environmental entitlements; and stronger remedial and equality guarantees. The central argument is that the revised Constitution creates a more rights-oriented normative framework, but the practical value of the reform depends on judicial independence, accessible remedies, implementing legislation and measurable administrative compliance. The article distinguishes constitutional commitments from evidence of their real-world fulfilment.

Keywords: Constitution of Uzbekistan; constitutional reform; human rights; fundamental freedoms; rule of law; proportionality; social state; judicial protection; constitutional guarantees.

The constitutional reform completed through the referendum of 30 April 2023 represents a significant stage in the legal development of Uzbekistan. The revised Basic Law contains 155 articles, compared with 128 in the previous text, and

articulates a broader understanding of the obligations of public power toward the individual. The scale of textual revision is relevant, yet quantitative expansion alone cannot establish better human-rights protection; the decisive issue is the normative content and enforceability of the new provisions.

The Constitution defines Uzbekistan as a sovereign, democratic, legal, social and secular state (Article 1). This characterization has implications beyond political terminology: a legal state is required to justify coercion under law, while a social state assumes positive duties to create conditions for a dignified life. The revised text therefore merits assessment through both negative obligations—not to violate rights—and positive obligations—to protect and facilitate their enjoyment.

The purpose of this article is to identify the principal innovations concerning personal, political, socio-economic and environmental rights, and to evaluate the legal mechanisms through which these commitments may operate. The research questions are: Which constitutional rules materially strengthen the legal position of individuals? How do substantive rights interact with judicial and administrative remedies? Which challenges may limit the implementation of the revised guarantees?

The primary source is the official English version of the Constitution of the Republic of Uzbekistan in its 2023 edition, checked against the government publication and the national constitutional portal. The study uses textual and systematic interpretation to examine the relationship among Articles 19–21, 25–35, 42–58 and related provisions. Comparative analysis is limited to universal human-rights standards; it does not assume identical institutional practice across jurisdictions. A 2023 report submitted by Uzbekistan to United Nations treaty bodies is used to identify the stated aims of the reforms, while being treated as a state report rather than independent proof of implementation.

The research applies a distinction between recognition, guarantee and realization. Recognition identifies a right in constitutional language; a guarantee adds a rule, procedure or institution for its protection; realization requires functioning administrative services, courts and resources. This distinction prevents the analysis from equating a normative reform with a demonstrated change in lived experience.

Article 19 recognizes that everyone enjoys human rights and freedoms from birth and enshrines equality before the law. Article 20 establishes that constitutional rights are directly applicable and must determine the substance of legislation and the activity of state bodies and officials. In doctrinal terms, direct applicability offers a basis for invoking constitutional norms as legal standards, rather than treating the Constitution solely as a programmatic declaration. The practical extent of direct judicial application nevertheless depends on procedures and case law.

Two additional innovations in Article 20 have particular significance. First, measures of legal influence on individuals must conform to proportionality: public authorities should not employ means more intrusive than those needed for a legitimate statutory objective. Second, contradictions and ambiguities in relations between individuals and state authorities are to be interpreted in favor of the individual. Together, these standards can shift the burden of legal justification toward public power, provided they are adopted by courts and administrative decision-makers.

Article 21 complements the above rule by allowing limitations of rights only in accordance with law and to the extent necessary for specified public interests, including public safety, public order and the rights of others. This clause is important because rights protection involves not only declaring freedoms but also setting criteria for legitimate restrictions. In applying it, state bodies should identify the

legal basis of an interference, the aim pursued, the necessity of the measure and whether a less restrictive alternative is available.

The constitutional protection of the person is developed through mutually reinforcing rules. Article 25 recognizes the right to life and prohibits the death penalty. Article 26 declares human dignity inviolable and prohibits torture, violence and cruel, inhuman or degrading treatment or punishment. These provisions place the individual's life and dignity beyond ordinary administrative convenience and create standards for criminal justice, detention and public-service conduct.

Article 27 requires a judicial decision for arrest, commitment and confinement, and establishes that detention without a court decision may not exceed forty-eight hours. It also requires detainees to be informed of the grounds for detention and their rights in a language they understand. This reflects the underlying idea of habeas corpus: restrictions on physical liberty must be reviewable by a court rather than remaining exclusively within executive discretion.

Article 28 elaborates the presumption of innocence, resolves irreducible doubts in favor of the accused, recognizes the right to remain silent and the privilege against self-incrimination, and prevents conviction based solely on confession. Article 29 provides for qualified legal assistance, including counsel at the relevant stages of criminal proceedings. The functional importance of these protections is cumulative: legal counsel is most effective when paired with timely notification of rights, evidentiary safeguards and genuinely independent judicial review.

Privacy and autonomy are also strengthened through provisions protecting private and family life, correspondence, personal data and the home (Articles 31 and related provisions). In contemporary conditions, these guarantees carry a digital dimension. Their implementation demands clear legal authorization for data access, narrowly framed surveillance powers and effective oversight; the constitutional text by itself does not establish whether these requirements are consistently met.

Freedom of thought, speech and belief, together with the right to seek, receive and disseminate information, is protected by Article 33. The same article requires the state to create conditions for Internet access. Article 36 recognizes citizens' participation in public affairs directly and through representatives, including mechanisms of public control over state bodies. In principle, the interaction of access to information and participation can improve public accountability, since meaningful civic oversight requires timely and reliable public information.

At the same time, constitutional limitations on information rights require careful legal interpretation. Public order or other legitimate aims should not be invoked through vague or excessively broad measures. To convert participation into a robust safeguard, authorities must ensure accessible complaint mechanisms, transparent reasoning of decisions and genuine opportunities for citizens to influence the policies affecting them.

The recognition of Uzbekistan as a social state acquires operational meaning in Chapter IX. Article 42 protects decent work, fair remuneration without discrimination and safeguards connected with maternity. Article 43 concerns employment, poverty reduction and vocational training. Article 46 recognizes social security and links legally established benefits to the officially defined minimum consumer expenditure. These provisions make social protection a constitutional issue, although implementation necessarily depends on budgeting, statutory standards and administrative access.

Article 47 provides a right to housing and protective conditions for deprivation of a home, including a court decision and, in statutory cases, advance and equivalent compensation. Article 48 recognizes the right to health and qualified medical services. Article 50 enshrines the right to education and calls for inclusive education for children with special educational needs. These guarantees are particularly

significant for individuals whose rights depend upon the availability, affordability and accessibility of public services.

A noteworthy dimension of the reform is Article 49, which explicitly recognizes the right to a favorable environment and reliable information about its condition. It also calls for public discussion of draft urban-planning documents and refers to environmental protection, sustainable development and the Aral Sea region. Environmental rights expand the constitutional perspective from immediate individual interests to risks affecting communities and future generations. Effective realization will require environmental data transparency, meaningful public consultations and reviewable administrative decisions.

Equality guarantees gain practical importance when interpreted together with special protective obligations. Article 57 requires state protection for persons with disabilities, vulnerable older persons and other socially vulnerable groups, and calls for accessible environments, information, education and employment. Article 58 affirms equal rights and opportunities for women and men. These rules support a substantive understanding of equality: formal non-discrimination should be accompanied by removal of the barriers that prevent effective enjoyment of rights.

The critical institutional provision is Article 55. It guarantees judicial protection against unlawful decisions, actions and omissions of state bodies and officials; a hearing before a competent, independent and impartial court; access, under applicable rules, to international human-rights bodies after exhaustion of domestic remedies; and state compensation for unlawful damage. Article 56 provides a constitutional basis for national human-rights institutions. Accordingly, constitutional rights are linked to avenues for contesting violations rather than remaining purely declarative.

However, the existence of constitutional remedies should not be confused with their accessibility in practice. Filing costs, language barriers, limited legal literacy,

delays, uneven enforcement of judgments and lack of independent oversight can reduce remedial effectiveness. The success of the 2023 guarantees should therefore be assessed through publicly available data on complaints, judgments, compliance, access to legal aid and institutional responses rather than the text of the Constitution alone.

The revised constitutional structure links three levels of protection. At the normative level, direct effect, proportionality and a presumption favoring individuals restrain the exercise of public power. At the substantive level, personal, political, socio-economic and environmental rights identify protected interests. At the remedial level, judicial review, compensation and national institutions provide means of enforcement. The innovation lies not simply in the number of rights but in the possibility of their coordinated interpretation.

Several implementation priorities follow. First, legislation and administrative rules should be audited against the requirements of Articles 20 and 21. Second, judges, investigators and civil servants require practical training in reasoned proportionality review, the presumption of innocence and procedural rights. Third, legal assistance and accessible complaint routes should reach remote communities and vulnerable groups. Fourth, state agencies should publish disaggregated indicators on the provision of housing, health, education and environmental information while observing personal-data safeguards.

A methodological limitation of this study is that it examines constitutional design, not longitudinal outcomes. The 2023 United Nations common core document sets out the government's account of the reforms, but independent case-law, budgetary and implementation data would be necessary to determine whether the stronger guarantees have reduced violations or improved access to justice. This caution is essential for avoiding conclusions that extend beyond the available evidence.

The 2023 Constitution of Uzbekistan significantly broadens the formal guarantees of human rights and freedoms. Its most consequential changes include the direct applicability of rights, proportionality requirements, interpretation of legal uncertainty in favor of individuals, stronger safeguards of liberty and fair trial, and detailed guarantees in the spheres of work, social security, housing, healthcare, education, the environment and equality. Articles 54–56 reinforce the principle that protecting rights is a central purpose of the state and that violations must be open to legal challenge.

The article's principal conclusion is that the reform creates a stronger constitutional architecture, not an automatic guarantee of effective protection. The next phase of constitutional development should prioritize independent adjudication, enforceable remedies, transparent implementation measures and sustained evaluation of real access to rights. In this way, the shift toward a human-centred Constitution may become observable in public administration and daily life.

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