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ENSURING HUMAN RIGHTS IN CLOSED INSTITUTIONS WITH LIMITED FREEDOM OF MOVEMENT

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ABSTRACT

This article analyzes the systematic reforms implemented in the Republic of Uzbekistan over recent years aimed at strengthening the protection of human rights, with particular emphasis on the prevention of torture and ill-treatment. The study examines the incorporation of international human rights standards into national legislation, the constitutional consolidation of the principle of inviolability of human honor and dignity, and the absolute prohibition of torture under all circumstances. Special attention is given to the legal significance of constitutional norms establishing that a person may not be found guilty or punished solely on the basis of a confession. The article also explores the implementation of the Optional Protocol to the United Nations Convention against Torture through the establishment and effective functioning of the National Preventive Mechanism. In this context, the role of the Commissioner of the Oliy Majlis for Human Rights (Ombudsman) as an independent parliamentary oversight institution is examined. Statistical data on monitoring visits conducted by the Ombudsman and public groups are analyzed, demonstrating the progressive strengthening of parliamentary and public control over places of detention.

KEYWORDS

human rights, prevention of torture, National Preventive Mechanism, Ombudsman, parliamentary oversight, places of detention, prisoners' rights, penitentiary healthcare, international human rights standards, Nelson Mandela Rules

Over the past nine years, Uzbekistan has carried out systematic efforts to fulfill its international obligations aimed at strengthening the legislative and institutional framework for the protection of human rights, incorporating international human rights standards into national legislation, and intensifying cooperation with international organizations in the field of human rights protection. These efforts include the categorical prohibition of torture and other cruel, inhuman, or degrading treatment or punishment.

The updated Constitution of the Republic of Uzbekistan clearly stipulates in Article 26 that human honor and dignity are inviolable and that no circumstances may serve as grounds for their humiliation. It further establishes that no one shall be subjected to torture, violence, or other cruel, inhuman, or degrading treatment or punishment.

New provisions aimed at preventing torture have been introduced, and previous norms have been significantly improved. As a legal act of the highest authority, the Constitution firmly enshrines the principle that a person may not be found guilty or subjected to punishment if a confession is the sole evidence against them. The direct inclusion of these norms in the Constitution demonstrates Uzbekistan's firm commitment to the primacy of human dignity and the fight against torture.

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The issue of combating torture remains one of the most pressing human rights challenges worldwide. In this regard, the international community continues to consolidate efforts to address this problem by developing and implementing binding international norms.

On December 18, 2002, the United Nations General Assembly adopted Resolution 57/199, approving the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides for the establishment of National Preventive Mechanisms (NPMs).

Chapter 4 of the Criminal Executive Code of the Republic of Uzbekistan establishes a system of control and supervision over the activities of institutions and bodies responsible for the execution of criminal penalties.

This system of control and supervision includes, alongside other state authorities, the Commissioner of the Oliy Majlis for Human Rights (Ombudsman), acting as a parliamentary oversight body. The uniqueness and significance of the Ombudsman institution lie in its independence, accessibility to the public, and separation from judicial and law enforcement bodies. Furthermore, the Ombudsman enjoys parliamentary legitimacy through a dedicated law defining its mandate, including its role in protecting the rights of convicted persons.

According to the Law of the Republic of Uzbekistan "On the Commissioner of the Oliy Majlis for Human Rights (Ombudsman)" dated November 15, 2024, the Ombudsman is authorized to take measures to prevent torture and ill-treatment in places of detention where individuals are deprived of their liberty. This Law fully incorporates the requirements of the Optional Protocol to the UN Convention against Torture.

Statistical data indicate a steady increase in monitoring visits conducted by the Ombudsman and Public Groups for the Prevention of Torture: 177 visits in 2021, 381 in 2022, 603 in 2023, 902 in 2024, and 954 in 2025. As a result, a robust system of parliamentary and public oversight for the prevention of torture has been established. Based on identified shortcomings, analytical materials, conclusions, and submissions are prepared and forwarded to the relevant ministries and agencies for corrective action. The results of these monitoring activities are also reflected in the Ombudsman's annual report submitted to the chambers of the Oliy Majlis.

It should be noted that in 2024, upon the recommendation of the Ombudsman, a 50-bed women's department was opened at Specialized Hospital for Convicts No. 23. The department has been equipped with modern medical equipment, and all necessary conditions have been created to provide adequate medical care for female inmates.

For reference, the hospital operates two laboratories and 21 departments, including therapeutic, neurological, surgical, dental, diagnostic, and tuberculosis units, and is capable of performing complex surgical procedures.

In order to further improve the quality of medical services, two X-ray machines were supplied to the hospital. One of them is a portable X-ray unit, the key advantage of which is its mobility, allowing it to be transported to other correctional facilities. This unit can conduct X-ray examinations for up to 300 inmates per day and provide accurate diagnostic results.

The second X-ray machine enables comprehensive imaging of all organs. Due to the minimal radiation dose, both devices ensure patient safety while maintaining diagnostic effectiveness.

All these measures reflect the essence of the reforms and transformations undertaken in Uzbekistan and are aimed at ensuring the protection of human rights and legitimate interests, including the provision of humane conditions of detention in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

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