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## THE IMPORTANCE AND ROLE OF THE CONSTITUTION IN THE FIELD OF HEALTH PROTECTION IN THE REPUBLIC OF UZBEKISTAN

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### ABSTRACT

This article examines the issues of health protection as one of the most important social rights of citizens guaranteed by the state, its content in the new version of the Constitution of the Republic of Uzbekistan, defines the system of regulatory legal acts in force in the field of health protection, analyzes international legal documents, the importance of the issue of health protection in the framework of the SDGs; formulated theoretical conclusions on the creation of a comprehensive infrastructure, the main elements of the health protection and promotion system. In the final part of the article, the importance of constitutional reform concerning health protection is noted.

### KEYWORDS

International law, right to health, right to health protection, Universal Declaration of Human Rights, Food Safety, International Covenant on Economic, Social and Cultural Rights, Access to Medicines, UN Millennium Declaration, Sustainable Development Goals, health security, Constitution, international organizations, international standards, law.

### INTRODUCTION

Today, taking into account new threats and challenges to the well-being of mankind, achievements in the theory and practice of international law and other humanities in ensuring the right to health, a comprehensive and fundamental international legal study of key aspects of the implementation of the right to health in conditions of increasing needs of the

individual, society and states, is becoming extremely relevant. The issues of health protection today cover such aspects as: food safety, migration, environmental problems, access to medicines, decent medical care, reduction of child mortality, etc.

The right to health, from the point of view of its importance, claims to be considered in various dimensions, including: as a fundamental human right; as a means of creating a public good; as an integral part of the cultural system of society, within which the promotion of social progress and improvement of the standard of living of the population is encouraged.

The adoption by the UN General Assembly on December 10, 1948 of the Universal Declaration of Human Rights is one of the important and significant steps in the history of international law. For the first time, almost all basic human rights and freedoms of universal significance were set out in detail and adopted.

The principles of the Universal Declaration of Human Rights are reflected in most national laws and state constitutions.

Despite the fact that the Universal Declaration of Human Rights of 1948 is not a legally binding document, more than 70 human rights instruments have been adopted on its basis, which together form a body of international human rights norms.

Among social rights, the right to health protection is enshrined in Article 12 of the International Covenant on Economic, Social and Cultural Rights, where the state recognizes the right of every person to the highest attainable standard of physical and mental health [1].

It should be noted that the UN Millennium Declaration, adopted in September 2000 during the meeting of heads of state and government in New York, identified eight Millennium Development Goals (MDGs).

Three of the eight Millennium Development Goals are directly related to health. They are aimed, in particular, at reducing maternal and child mortality, at preventing

the spread of HIV/AIDS, tuberculosis, malaria, and other diseases [2].

On the basis of the Millennium Development Goals (MDGs), on September 25, 2015, at the Sustainable Development Summit, the UN Member States adopted the 2030 Agenda for Sustainable Development (SDGs), which includes 17 goals and 169 targets.

Thus, health issues are defined in three goals (SDGs):

- ensuring healthy lifestyles promoting well-being for all at all ages,
- eliminating hunger, ensuring food security and improving nutrition,
- ensuring the availability and rational use of water resources and sanitation for all [3].

In Uzbekistan, the human right to health has become a part of domestic law, proclaimed in regulatory legal acts, which provide ample opportunities for the implementation of this right in accordance with international legal standards.

At present, Uzbekistan is practically a member of all major international intergovernmental organizations dealing with health and related issues (UN, WHO, ILO, UNICEF, UNDP, UNESCO), has their offices on its territory and participates in their programs.

Uzbekistan initiates and supports activities that contribute to the protection and promotion of the health of peoples in the CIS, the Eurasian Economic Community and the Shanghai Cooperation Organization. Uzbekistan has signed and ratified and accepted for practical implementation many international treaties, rules, recommendations and other documents related to the problems of public health and healthcare.

These include, in addition to the International Covenant on Economic, Social and Cultural Rights, the UN Millennium Declaration, the SDGs, as well as special documents related to health, such as the IHR, the WHO Framework Convention on Tobacco Control and a number of other important international documents.

The country recognizes and guarantees the rights and freedoms of man and citizen in accordance with the generally recognized principles and norms of international law and in accordance with the Constitution.

Issues of protecting human health, ensuring his right to receive qualified medical care are regulated by the laws "On the protection of the health of citizens", "On the sanitary and epidemiological welfare of the population", "On the prevention of iodine deficiency diseases", "On medicines and pharmaceutical activities", "On the protection reproductive health of citizens", "On transplantation of human organs and tissues" and others [4].

At present, radical transformations are taking place in Uzbekistan in all spheres of life of society and the state. These transformations are based on the reform of the Constitution, amendments and additions adopted at a national referendum. Amendments and additions to the Constitution of Uzbekistan, prepared by a special constitutional commission, are large-scale and relate to all spheres of society, including health issues.

Thus, article 48 of the Constitution in the new redaction defines: "Everyone has the right to health protection and qualified medical care.

Citizens of the Republic of Uzbekistan have the right to receive a guaranteed volume of medical care in the manner prescribed by law at the expense of the government.

The government takes measures to develop the healthcare system, its government and non-government forms, various types of medical insurance, and ensure the sanitary and epidemiological well-being of the population.

The government creates conditions for the development of physical culture and sports, the formation of a healthy lifestyle among the population. [5]

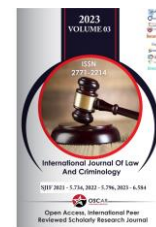
It should be noted that for the first time the Constitution enshrines the right to health protection, which is the most important element of the legal status of an individual, largely determining the relationship between a person and a modern government. The content of this right is predetermined by the social value of health as a personal and public good.

Proper realization of the right to health protection and qualified medical care is a necessary condition for the development of the individual, a guarantee of the effective implementation of fundamental constitutional rights.

The complex of measures for the protection of health is not limited only to medical activities, but is also supplemented by no less important aspects such as sanitary and epidemiological well-being, the creation of medical insurance.

An equally important issue is the development of private medical institutions. The emergence of private clinics additionally guarantees the citizens of the Republic of Uzbekistan the choice of a medical institution, the availability and quality of medical services.

In order to realize the right to health protection, a number of regulatory legal acts were adopted,



including the Law of the Republic of Uzbekistan dated 29.08.1996 No. 265-I “On the protection of the health of citizens”. Article 13 of this Law governments that citizens of the Republic of Uzbekistan have an inalienable right to health care. The government provides citizens with health protection regardless of age, gender, race, nationality, language, attitude to religion, social origin, beliefs, personal and social status. Article 24 of this Law defines the basic rights of patients, and it is within the framework of the implementation of these norms that the rights of citizens to medical care are guaranteed [6].

Also, the Law on the Protection of the Health of Citizens provides for the provision of government-guaranteed free medical care to the population by the medical and preventive institutions of the government healthcare system. The volume and procedure for the provision of free medical care are established by law. The list of medical institutions providing free medical care is determined by Decree of the President of the Republic of Uzbekistan dated November 10, 1998 No. UP-2107 [7].

The problem of ensuring the availability and quality of medical care provided to citizens in Uzbekistan, among other aspects of the organization of the healthcare system, is the most relevant today. Therefore, the adopted Concept for the Development of the Health System of the Republic of Uzbekistan for 2019-2025 provides for measures aimed at improving the quality and accessibility of medical care, supporting a healthy lifestyle, preventing and combating infectious and non-communicable diseases [8].

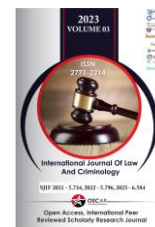
The concept provides for the creation of the Agency for Medical and Social Services under the Ministry of Health, the main tasks and activities are the formation and implementation of a unified policy of medical and

social assistance aimed at further improving and coordinating medical and social services provided to the elderly, persons with disabilities and other socially vulnerable categories population; organizing and coordinating the activities of medical and social institutions in matters of medical and social services for the elderly, persons with disabilities and other socially vulnerable categories of the population, etc. The right to drug provision is an element of the right to medical care and ensures the full treatment and prevention of diseases.

Thus, the protection of the health of citizens is a set of measures of a political, social, economic, legal nature, aimed not only at improving health, but also at physical and mental state, providing affordable medical and social assistance.

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