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ENSURING THE RIGHTS OF CONVICTED INSTITUTIONS IN PENALTY EXECUTION INSTITUTIONS

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Usmonov Doniyor Makhmudovich

Doctor Of Philosophy In Law Sciences (Phd), Associate Professor, Senior Teacher Of The Department Of Criminal Law Of Academy Of The Mia Of The Republic Of Uzbekistan

ABSTRACT

The article deals with the legal status of convict persons, listed the rights and legitimate interests of persons serving sentences. The author of the article noted the effective cooperation of penitentiary institutions with government agencies and other organizations in ensuring the rights and legitimate interests of convicts as well.

KEYWORDS

Legal status of convicted persons, penitentiary institutions, rights and legitimate interests of persons serving sentences.

INTRODUCTION

In the Republic of Uzbekistan, special attention is being paid to the provision of human rights, including the rights, freedoms and legal interests of persons serving a sentence. In particular, the Constitution of the Republic of Uzbekistan According to Article 13, democracy in the Republic of Uzbekistan is based on universal principles, according to which a person, his life, freedom, honor, dignity and other inviolable rights are the highest value. Democratic rights and freedoms are protected by the Constitution and laws. According to Article

26 of this Constitution, human honor and dignity are inviolable. Nothing can be

a reason to discriminate against them. No one shall be subjected to torture, violence, or other cruel, inhuman or degrading treatment or punishment [1].

In the Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis on December 29, 2020, it was stated that the system of prevention of torture in the field of rapid search, investigation and punishment should be fundamentally

improved [2]. Based on this, the Human Rights representative (ombudsman) of the Oliy Majlis was appointed to take measures to implement the system of “monitoring visits” to detention centers and prisons every quarter together with public representatives.

In the regulation approved by the annex 2 of the decision of the President of the Republic of Uzbekistan dated April 2, 2021 No. 5050 “On additional organizational measures to further improve the activities of internal affairs bodies in the field of ensuring public safety and fighting crime” Human Rights Representative (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan on issues of compliance with the rights, freedoms and legal interests of prisoners and imprisoned persons of the Department of Corrections under the Ministry of Internal Affairs, Representative of the President of the Republic of Uzbekistan on the protection of the rights and legal interests of business entities, Human Rights The right to cooperate with the National Center of the Republic of Uzbekistan and other organizations is provided [3].

It is of particular importance to determine the legal status of prisoners at the level of law. Firstly, it determines the legal status of the prisoner, and secondly, it is necessary to protect their rights and legal interests. Before the adoption of the current Criminal-Executive Code, the legal status of prisoners was specified in one article of the law, but now it has been strengthened by a separate chapter and it consists of six articles. [4, p 251].

The legal status of a person means the state's recognition of a citizen as a legal subject, the provision and guarantee of his rights, freedoms and obligations, as well as legal interests by the law, and therefore serves as the main factor in determining the legal status of prisoners.

The legal status of prisoners is a set of basic civil special rights and obligations related to the type and purpose of the punishment and the behavior of the prisoner.

The legal status of prisoners, i.e. their rights and obligations, provided for in Articles 8-13 of the Criminal Code of the Republic of Uzbekistan “Minimum Standard Rules for the Treatment of Prisoners ” adopted by the United Nations on August 30, 1955 and December 14, 1990 Articles 6, 35-36 fully correspond to the content of Article 5 of the “Basic principles of dealing with prisoners”.

During the execution of the sentence, the convicts are guaranteed the rights and freedoms granted to the citizens of the Republic of Uzbekistan. It is not allowed to limit their rights and freedoms beyond what is defined in the criminal law. In particular, in accordance with Article 5 of the Election Code of the Republic of Uzbekistan, adopted on June 25, 2019, persons detained in places of deprivation of liberty cannot be elected. Persons detained in places of deprivation of liberty by court verdict for committing serious and extremely serious crimes shall not participate in the election [5]. According to the content of this provision, the prisoners who are serving the sentence of deprivation of liberty for committing crimes with a low social risk and not very serious can take part in the election. Convicts shall have the rights, freedoms and obligations provided for citizens of the Republic of Uzbekistan, taking into account the exceptions and limitations established by the Code of Criminal Procedure and other laws. Foreign citizens and stateless convicts have obligations defined in international treaties and legislation of the Republic of Uzbekistan and enjoy the rights specified in these legal documents. It should be noted that according to the laws in force before, the legal status of prisoners was defined taking into account not only the limitations provided by the law, but also the limitations arising

from the court sentence and the regime of serving the sentence.

The rights and obligations of prisoners are determined based on the procedure and conditions of execution of a certain type of punishment.

The rights of prisoners are as follows:

- to receive information about the procedure and conditions of serving the sentence, about one's rights and obligations;
- apply to the administration of a penal institution or body, other state bodies and public associations with suggestions, applications and complaints in one's native language or in another language;
- to receive answers to their proposals, applications and complaints in the language addressed. If it is not possible to answer in the requested language, the answer will be given in the official language of the Republic of Uzbekistan. Sending the answer to the disciplinary department and translating it into the language applied by the person sentenced to deprivation of liberty is provided by the penal institution or body;
- providing explanations and conducting correspondence, using the services of an interpreter, including a sign language interpreter, if necessary;
- using of educational, artistic and other informational materials;
- health care, including receiving medical care in outpatient clinics and inpatient settings according to a medical opinion;
- social security, including statutory pensions (Criminal Procedure Code

arc. 9).

In connection with the "Improvement of mechanisms for the protection of the rights of prisoners and persons kept in prison" of the Republic of Uzbekistan dated March 14, 2019 According to the Law of the Republic of Uzbekistan

No.530 "On Amendments and Additions to Certain Legislative Documents of the Republic of Uzbekistan", The following additions regarding the rights of prisoners were added to Part 1 of Article 9 of the Criminal-Executive Code:

- if weather conditions allow, exercise in the fresh air during off-duty hours;
 - receiving psychological assistance provided by psychological service personnel of the penal institution.
- Participation of persons sentenced to deprivation of liberty in activities related to the provision of psychological assistance is carried out only with their consent;
- to have safe working conditions, to rest, to go on vacation, as well as to be paid for their work in accordance with the legislation on labor [6].

Convicted foreign citizens also have the right to communicate with diplomatic missions and consular institutions of their own countries, and citizens of countries that do not have diplomatic and consular institutions in the Republic of Uzbekistan, with the diplomatic missions of the country that has undertaken to protect their interests.

In conclusion, the implementation of the rights, freedoms and legal interests of prisoners serving their sentence in penal institutions will lead to their moral

recovery and the achievement of the effectiveness of punishment.

In this regard, the Penitentiary Department under the Ministry of Internal Affairs of the Republic of Uzbekistan on issues of compliance with the rights, freedoms and legal interests of prisoners serving their sentences in penal institutions is appropriate to conduct effective cooperation with the representative of the Oliy Majlis of the Republic of Uzbekistan on Human Rights (Ombudsman), the representative of the President of the Republic of Uzbekistan on the protection of the rights and legal interests of business entities, the National Center for Human Rights of the Republic of Uzbekistan, as well as other organizations.

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