



ANALYSIS OF SOME REGULATORY LEGAL ACTS OF THE REPUBLIC OF UZBEKISTAN IN THE FIELD OF ENSURING THE RIGHTS OF THE CHILD

Tirkasheva Gulrukh Muhammadi kizi

Lecturer at the Department of Constitutional Law

Tashkent State Law University

Telephone: +998900921116

Email: tirkashevagulrux999@gmail.com

ORCID: 0000-0002-2650-0420

Article history:	Abstract:
<p>Received: 1st January 2023 Accepted: 1st February 2023 Published: 6th March 2023</p>	<p>This scientific article discusses some issues of ensuring the rights of the child in the field of protecting the rights of the child. A comparative analysis of the current Constitution of the Republic of Uzbekistan and the draft Constitution has been carried out. studied legal acts that ensure and regulate the protection of children's rights.</p>
<p>Keywords: constitution, constitutional norms, constitutional law, children's rights, children's freedom, childhood, child, children, adults, ombudsman for children's rights.</p>	

"A very important direction of the ongoing us politics - raising children, being for our people the meaning of life, its future "- Sh.M. Mirziyoyev

When analyzing the legal acts of the Republic of Uzbekistan, first of all, one should pay attention to the fact that the rights of the child are enshrined at the constitutional level. In Article 18 of the Constitution of the Republic of Uzbekistan, it proclaims the equality of all without distinction of sex, race, nationality, language, religion, social origin, beliefs, personal and social status of all¹.

In addition, Article 25 of the Constitution recognizes that everyone has the right to liberty and security of person, which guarantees the rights of the child to the privacy of personal correspondence, telephone calls and the creation of personal space.

It is necessary to mention Article 64 of the Constitution of the Republic of Uzbekistan, which states that parents are obliged to support and raise children until they reach adulthood.

In connection with the amendments to the Constitution of the Republic of Uzbekistan, the draft law Article 64 reads as follows: parents and persons replacing them have the right and obligation to support their children until they reach adulthood, take care of their upbringing, education, healthy, full and harmonious development. Where it is necessary to mention the expansion of the circle of persons who can support children, that is, if earlier we were limited to prescribing the obligations of parents, but now we have added guardians and trustees.

And also, article 65 of the Constitution of the Republic of Uzbekistan states that motherhood and childhood are under the protection of the state.

It should also be noted the Law "On Guarantees of the Rights of the Child" dated January 7, 2008 No. Law of the Republic of Uzbekistan-139, which secured the guarantees of basic children's rights, and also the state ensures the inviolability of the person, home, privacy of the child's correspondence and protects the child from all forms of exploitation and violence, including physical, mental and sexual violence, torture or other forms of cruel, rude or degrading treatment, sexual harassment, involvement in the commission of offenses and anti-social acts.

Also, the above Law defines the term child (children), and states that a child is a person (persons) until the age of eighteen years (majority).

The Law of the Republic of Uzbekistan "On guardianship", where, as persons in need of establishment of guardianship over them - orphans and children left without parental care, children who have parents who are not deprived of parental rights, and who are in an environment that represents a direct threat to their life or health or

¹ Constitution of the Republic of Uzbekistan Article 18.: Adopted on December 8, 1992 at the XXI session of the Supreme Council of the Republic of Uzbekistan of the twelfth convocation (as amended as of 2021) - T.: "Uzbekistan", 2021.

who do not meet the requirements for their maintenance, upbringing and education, adult capable citizens in need of guardianship for health reasons, incapacitated or limited in legal capacity citizens who need special care, as well as the protection of their rights, freedoms and legitimate interests².

In addition, in order to regulate relations in the field of protecting children from information harmful to their health, on March 10, 2018, the Law of the Republic of Uzbekistan "On the protection of children from information harmful to their health" was adopted³ and this law provides an explanation of the term information harmful to the health of children - information products, the distribution of which among children is prohibited or restricted in accordance with this Law.

It is worth noting that this Law also defines the term children, and these are persons under the age of eighteen years (majority). As well as the term information harmful to the health of children - information products, the distribution of which among children is prohibited or restricted in accordance with the Law.

An interesting experience of China in the struggle for information security on the Internet is presented, the Internet in China has ceased to be anonymous and this measure will strengthen state control over the network, which should help the economic economy. Therefore, it is necessary to implement:

1) the adoption at the legislative level of norms on the obligatory presence of the child mode function in social networks, in which the necessary means of filtering content for minors will be included, including the possibility for the parents of the abusers;

2) increase in the obligations of Internet providers to block content that contains harmful information⁴.

And also, use special applications to protect children from harmful information and popularization (distribution) of such applications. For example, Kaspersky Safe Kids allows you to understand what sites your child is browsing, set up access to safe sites and limit the time spent on social networks and sites with an aggressive environment.

April 22, 2019 Decree of the President of the Republic of Uzbekistan "On additional measures to further strengthen the guarantees of the rights of the child"⁵ the post of Deputy Commissioner for Human Rights of the Oliy Majlis of the Republic of Uzbekistan (Ombudsman) - Commissioner for Children's Rights was introduced.

In case of delinquency of children, from March 10, 2020 in accordance with Article 241 of the Law of the Republic of Uzbekistan "On the treatment of individuals and legal entities"⁶, minors have the right to independently submit appeals on the observance of their rights, freedoms and legitimate interests to state bodies, organizations or their officials in the manner prescribed by this Law. Consideration by state bodies, organizations or their officials of applications of a minor may be carried out with the participation of his legal representatives, as well as guardianship and guardianship authorities. It is not allowed to leave applications of minors without consideration due to their failure to achieve full legal capacity.

It should be noted that the post of further Deputy Commissioner of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) - Commissioner for Children's Rights of Uzbekistan was abolished in connection with the Decree of the President of the Republic of Uzbekistan No. 6275 of August 9, 2021 "On measures to further improve the system of providing Guarantees of the Rights of the Child" and established the institution of the Oliy Majlis Commissioner for Children's Rights (hereinafter referred to as the Children's Ombudsman).

And also, by the above Decree, the Republican interdepartmental commission on minors, interdepartmental commissions on minors of the Republic of Karakalpakstan, regions and the city of Tashkent, districts (cities), respectively, were transformed into the National Commission on Children (hereinafter referred to as the National Commission), commissions on children Republic of Karakalpakstan, regions, Tashkent city and districts (cities) (hereinafter - territorial commissions), respectively⁷.

Decree of the Kengash of the Senate of the Oliy Majlis of the Republic of Uzbekistan "On issues of reliable protection of the rights of women and children and violence committed against them" dated 05.05.2022 No. 345-IV⁸ a special working group was created to detect violence against women and children, to identify the real state and, after analyzing the situation, to develop proposals for the legislation of the Republic of Uzbekistan.

Every child belongs to and is guaranteed by the state the rights and freedoms of a person and a citizen, children born in wedlock and out of wedlock enjoy equal and comprehensive protection. The state takes the necessary measures to ensure the protection of the child from all forms of discrimination.

² Law of the Republic of Uzbekistan "On guardianship and guardianship" dated 02.01.2014 No. 364 <https://lex.uz/docs/2307828>

³ Law of the Republic of Uzbekistan "On the protection of children from information harmful to their health", dated 08.09.2017 No.444 <https://lex.uz/docs/3333805>

⁴ Poklontsev K.V. Legal protection of minors from information that is harmful to their health and development, on the example of the social network "VKontakte" // Young scientist. - 2018. - No. 47. - P. 142-144. — URL <https://moluch.ru/archive/233/53955/> (date of access: 03/15/2020).

⁵ Decree of the President of the Republic of Uzbekistan dated April 22, 2019 No. 4296 "On additional measures to further strengthen the guarantees of the rights of the child. <https://lex.uz/docs/4302031>.

⁶ Law of the Republic of Uzbekistan "On the appeal of individuals and legal entities" dated September 11, 2017 No. 445 <https://lex.uz/docs/3336171>.

⁷ Decree of the President of the Republic of Uzbekistan No. 6275 of August 9, 2021 "On measures to further improve the system for ensuring the rights of the child" <https://lex.uz/docs/5570494>.

⁸ Resolution of the Kengash of the Senate of the Oliy Majlis of the Republic of Uzbekistan "On issues of reliable protection of the rights of women and children and violence committed against them" dated 05.05.2022 No. 345-IV <https://lex.uz/docs/6020280>.

So, the state at all stages of pre-trial proceedings and judicial proceedings takes measures to observe all the procedural rights of children and ensure their guarantees established by law⁹.

In Uzbekistan, the promotion, observance and protection of the rights of the child are considered as one of the priorities of the state policy. Today, the country has formed its own model of systematic and phased implementation of international human rights standards in national legislation and law enforcement practice¹⁰.

В настоящее время Узбекистан присоединился более чем к 70 основным международным документам по правам человека, в том числе 6 основным договорам ООН и 4 Факультативным протоколам, по реализации которых на регулярной основе представляются национальные доклады в Совет по правам человека и договорные комитеты ООН¹¹.

Thus, we can conclude that at the international level there is a legal regulation of the sphere of childhood, which provides certain guarantees for the protection of the rights of the child. The Republic of Uzbekistan has signed many of the above documents, but not all of them have been ratified.

It should be noted that in order to effectively implement the rights of children in 2004, the Decree of the Cabinet of Ministers of the Republic of Uzbekistan No. 419¹² The Republican Center for the Social Adaptation of Children under the Women's Committee of Uzbekistan was formed. The mission of the Center is to provide comprehensive medical and social, psychological and pedagogical assistance and advisory and legal assistance to children of socially vulnerable groups of the population (children with disabilities, children left without parental care, as well as children at social and legal risk).

The ongoing reforms in the republic are aimed at improving the work on mechanisms for ensuring the rights of the child and solving many problems that arise in this area of legal work.

It should be noted that why the Republic of Uzbekistan is carrying out such large-scale work in the field of protecting the rights of the child, this is due to the fact that there really is a discussion of this topic, in connection with such incidents as:

Based on the analysis, we can say that at the national level we have achieved significant achievements in ensuring the rights and protecting the legitimate interests of the child. An obvious example of this can be the establishment at the institutional level of an independent body (position) of the Ambudsman for the Rights of the Child. In addition, amendments in 2020 to the Law of the Republic of Uzbekistan "On the application of individuals and legal entities" on the application of minors to state institutions without obtaining permission from their parents, directly for the protection of their rights.

But along with a number of our achievements, in connection with the rapidly changing world in the age of digitalization, new types of risks and threats appear in this area. In this connection, it is necessary to constantly update the legal framework and supplement it. This research topic is actually very relevant, and in many countries of the world they pay special attention to the protection of children. Why is it said about their protection, because due to their mental and physical development it is necessary to support them, if we do not focus attention today, then tomorrow we may face negative results.

LIST OF USED LITERATURE

1. Constitution of the Republic of Uzbekistan dated December 8, 1992 // National Legislation Database, <https://lex.uz/docs/35869>.
2. Law of the Republic of Uzbekistan "On Guarantees of the Rights of the Child" dated January 7, 2008, No. 139 // National Legislation Database, July 24, 2018, No. 03/18/486/1559; December 7, 2019, No. 03/19/587/4122.
3. Law of the Republic of Uzbekistan "On guardianship and guardianship" dated January 2, 2014 No. 364 <https://lex.uz/docs/2307828>.
4. Law of the Republic of Uzbekistan "On the protection of children from information harmful to their health", dated September 8, 2017 No. 444 <https://lex.uz/docs/3333805>.
5. Law of the Republic of Uzbekistan "On the appeal of individuals and legal entities" dated September 11, 2017 No. 445 <https://lex.uz/docs/3336171>.
6. Resolution of the Kengash of the Senate of the Oliy Majlis of the Republic of Uzbekistan "On issues of reliable protection of the rights of women and children and violence committed against them" dated 05.05.2022 No.345-IV <https://lex.uz/ru/docs/6020280>.
7. Decree of the President of the Republic of Uzbekistan dated April 22, 2019 No. 4296 "On additional measures to further strengthen the guarantees of the rights of the child. <https://lex.uz/docs/4302031>.

⁹ Law of the Republic of Uzbekistan "On Guarantees of the Rights of the Child" (dated January 7, 2008 No. 139). lex.uz/docs/1297318.

¹⁰ Umarakhunov I. M. The Republic of Uzbekistan and international contract law. National Center of the Republic of Uzbekistan for Human Rights. Editor-in-Chief: A.Kh. Saidov. Publishing house: National encyclopedia of Uzbekistan. Tashkent. - 2008. - P. 308.

¹¹ Umarakhunov I. M. The Republic of Uzbekistan and international contract law. National Center of the Republic of Uzbekistan for Human Rights. Editor-in-Chief: A.Kh. Saidov. Publishing house: National encyclopedia of Uzbekistan. Tashkent. - 2008. - P. 308.

¹² Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 7, 2004 No. 419 <https://lex.uz/docs/303433>.

8. Decree of the President of the Republic of Uzbekistan No. 6275 of August 9, 2021 "On measures to further improve the system for ensuring the rights of the child" <https://lex.uz/ru/docs/5570494>.
9. Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated September 7, 2004 No. 419 <https://lex.uz/docs/303433>.
10. Poklontsev K.V. Legal protection of minors from information that is harmful to their health and development, on the example of the social network "VKontakte" // Young scientist. - 2018. - No. 47. - P. 142-144. — URL <https://moluch.ru/archive/233/53955/> (date of access: 03/15/2020).
11. Umarakhunov I. M. The Republic of Uzbekistan and international contract law. National Center of the Republic of Uzbekistan for Human Rights. Editor-in-Chief: A.Kh. Saidov. Publishing house: National encyclopedia of Uzbekistan. Tashkent. - 2008. - P. 308.
12. Тикашева, Г. (2022). АНАЛИЗ НЕКОТОРЫХ НОРМАТИВНО-ПРАВОВЫХ АКТОВ РЕСПУБЛИКИ УЗБЕКИСТАН В СФЕРЕ ОБЕСПЕЧЕНИЯ ПРАВ РЕБЁНКА. Eurasian Journal of Academic Research, 2(9), 113-118.
13. Тикашева, Гулрух. "НЕКОТОРЫЕ МЕЖДУНАРОДНЫЕ И НАЦИОНАЛЬНЫЕ ПРАВОВЫЕ НОРМЫ В СФЕРЕ ЗАЩИТЫ ПРАВ ДЕТЕЙ." Development and innovations in science 1.13 (2022): 45-49.