

The Legal Status of Convicted Women And Minors In The Penal System of The Republic of Uzbekistan

Shamsidinov Zayniddin Ziyovidinovich

Acting Associate Professor of the Department

of Criminal Law, Criminology, and Anti-Corruption

PhD in Law, Tashkent State University of Law

E-mail: z.shamsiddinov@tsul.uz

Annotation: The article examines the legal status of convicted women and juveniles in the penal system of the Republic of Uzbekistan. It highlights the influence of international human rights standards and their incorporation into national legislation. The study analyzes the general, special, and individual legal statuses of convicts, focusing on the guarantees of rights and freedoms enshrined in the Constitution and the Penal Enforcement Code. Special attention is given to issues of humane treatment, access to legal assistance, medical and psychological care, the right to work, education, and freedom of religion. Recent legislative reforms are discussed, including the expansion of voting rights for certain categories of prisoners, the right to appeal to the Ombudsman for Children, and additional guarantees for persons with disabilities. The article emphasizes that state policy in the field of penal enforcement is based on the principles of respect for human dignity and the gradual reintegration of convicts into society.

Keywords: legal status of convicts, rights of women and juveniles, penal law, human rights, Republic of Uzbekistan, social reintegration.

The legal status of convicted women and juveniles in the penal system of the Republic of Uzbekistan has its own specific features, which are determined by both international human rights standards and the country's domestic legislation. The legislator seeks to ensure humane treatment and respect for the human dignity of these categories of convicts by creating special conditions for serving their sentences.

The legal status of an individual represents a set of rights, freedoms, and obligations that are recognized and guaranteed by the state. It is important to note that the legal status of an individual is based on their actual social status—that is, their real position in social life. The law merely formalizes this position. The legal status of the individual is one of the central categories in jurisprudence. This is largely due to the fact that through the legal status of the individual, it is possible to establish and trace the relationship between the state, society, and each individual citizen. Moreover, the study of issues related to legal status makes it possible to uncover a range of other legal problems that, in one way or another, relate to questions of freedoms, duties, rights, and responsibilities—issues of great practical importance.

In the most general sense, the legal status of convicts is the position of individuals serving criminal sentences, regulated by norms of various branches of law. The most important aspects for studying the essence of a convict's legal status are the general, special, and individual statuses. The general legal status refers to the status of the convict as a citizen of the state. In its content, it represents a set of legal instruments that define the convict's position while serving a sentence, based on their rights, legitimate interests, and obligations.

In our opinion, the legal position (status) of convicts is based on the general status of citizens, established by norms of various branches of law and expressed through the totality of their rights, legitimate interests, and obligations during the period of serving a criminal sentence. The content of

the legal position includes the rights, legitimate interests, and obligations of convicts as a unified system. Other legal categories considered in the context of the legal status of convicts create the conditions necessary for the realization of these rights and obligations. Convicts serving a sentence of imprisonment retain the human and civil rights and freedoms that are recognized as the highest value under the Constitution. This obliges legislative acts regulating the legal status of convicts to ensure that restrictions of civil rights and freedoms are applied strictly within the framework of the law. At the same time, it guarantees that employees of penal institutions and bodies observe legality in the performance of their professional duties.

According to Article 8 of the Penal Enforcement Code of the Republic of Uzbekistan, convicts have the rights, freedoms, and obligations provided for citizens of the Republic of Uzbekistan, with the exceptions and restrictions established by this Code and other laws. Convicted foreign citizens and stateless persons may also have the rights, freedoms, and obligations established by the international treaties of the Republic of Uzbekistan. The use of torture and other cruel, inhuman, or degrading treatment or punishment against convicts is prohibited. The rights and obligations of convicts are determined based on the procedure and conditions of serving a specific type of sentence. It should be noted that the legal status of convicts represents a set of legal norms defining the rights and freedoms of persons sentenced to criminal punishment, their protection, obligations, and interaction with society. This status mainly covers the following aspects:

- Convicts must have the opportunity to protect their rights, for example, to have access to a lawyer, file complaints, receive information, and submit petitions.
- Necessary conditions should be created for convicts to receive psychological assistance, engage in labor activities, access medical care, and participate in sports.
- Convicts should be provided with opportunities for reintegration into social life, in particular, the right to education and vocational training must be ensured.
- The rights and obligations established for convicts must be applied equally to all juveniles serving sentences; their rights must not be violated, and they must be treated with respect for human dignity.
- All necessary measures must be taken in correctional institutions to ensure the safety of the life and health of convicts.

Currently, in order to further ensure the rights and legitimate interests of convicts, the scope of their rights is gradually being expanded. In particular, in accordance with the Law of the Republic of Uzbekistan

«On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of Election Legislation» A provision was introduced into the Penal Enforcement Code of the Republic of Uzbekistan stating that convicts held in places of deprivation of liberty for offenses that do not pose a significant threat to public safety and for less serious crimes have the right to participate in the elections of the President of the Republic of Uzbekistan, deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, deputies of regional, district, and city Councils of People's Deputies, as well as in referenda.

Additionally, in accordance with the Law of the Republic of Uzbekistan dated March 14, 2019, No. ZRU-530 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of Mechanisms for the Protection of the Rights of Convicts and Persons in Custody", an amendment was introduced to Article 9 of the Penal Enforcement Code of the Republic of Uzbekistan, providing convicts with additional rights: to engage in physical exercise outdoors during free time from work, if weather conditions permit; to receive psychological assistance provided by the staff of the psychological service of the correctional institution. Participation of convicts sentenced to imprisonment in activities related to psychological assistance is carried out only with their consent. They are also granted the right to safe working conditions, rest, leave, as well as remuneration in accordance with labor legislation. When discussing the legal status of juvenile and female convicts, it can be noted that the range of basic rights of convicts established in Article 9 of the Penal Enforcement Code equally applies to them. Below are the main rights and obligations of juvenile

and female convicts as provided by the penal enforcement legislation of the Republic of Uzbekistan.

The right to receive information about the procedure and conditions of serving a sentence, as well as about one's rights and obligations. In accordance with part 2 of Article 33 of the Constitution of the Republic of Uzbekistan, everyone has the right to seek, receive, and disseminate any information. "In accordance with the requirements of the Laws 'On Guarantees and Freedom of Access to Information' and 'On Principles and Guarantees of Freedom of Information' the right of convicted persons to receive information is ensured.

"The right to address the administration of the institution or the penal enforcement authority, as well as other state bodies and public associations, in their native language or another language with proposals, statements, and complaints. Based on Article 14 of the Law of the Republic of Uzbekistan 'On the State Language', "Articles 3 and 10 of the Law of the Republic of Uzbekistan 'On Appeals of Individuals and Legal Entities", "as well as Article 79 of the Penal Enforcement Code of the Republic of Uzbekistan, convicted persons have the right to submit statements, proposals, and complaints to the colony administration, other state bodies, and public associations in their native language or another language, and to receive responses to their appeals in the language in which they were submitted.

Law of the Republic of Uzbekistan dated August 28, 2024, No. ZRU-948 "On Amendments and Additions to the Penal Enforcement Code of the Republic of Uzbekistan, aimed at ensuring the rights and lawful interests of convicted persons" an amendment was made to the current Penal Enforcement Code introducing a provision regulating the right of convicted persons to appeal to the Commissioner for Children's Rights (Child Ombudsman) and the procedure for considering these appeals by the Commissioner.

"The right to provide explanations and conduct correspondence, and, when necessary, to use the services of an interpreter, including a sign language interpreter. The right of convicted persons to use the services of an interpreter, including a sign language interpreter, is of particular importance for those who do not speak a certain language or communicate using sign language. In particular, granting the right to use the services of specialists proficient in sign language and Braille for convicted persons with disabilities (those with speech, hearing, or visual impairments) provides an additional guarantee for the protection of their lawful interests.

The implementation of this right was provided for in the current legislation on the basis of the Law of the Republic of Uzbekistan dated February 15, 2023, No. ZRU-817 'On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Aimed at the Reliable Protection of the Rights and Lawful Interests of Convicted Persons".

According to Article 80 of the Penal Enforcement Code, persons sentenced to deprivation of liberty may receive writing supplies and literature in parcels, packages, and mailings, and may also purchase them through retail outlets, subscribe to newspapers and magazines without restriction. Convicted persons are prohibited from receiving, purchasing, storing, or distributing publications that promote war, incite national and religious hatred, glorify violence and cruelty, or contain pornographic content. Literature purchased by a convicted person through the retail network is not counted toward the number of parcels and packages they are entitled to receive. A convicted person may possess no more than ten copies of books and magazines at a time. Literature exceeding this amount, with the consent of the convicted person, shall be placed in storage, transferred to the institution's library, or sent to the person's relatives or other individuals.

Medical and preventive care, as well as sanitary and anti-epidemic measures in places of deprivation of liberty, are organized and conducted in accordance with the legislation. Medical departments with inpatient facilities are established for the medical and sanitary care of convicted persons. Specialized colonies operate as medical institutions for tuberculosis patients, and specialized hospitals provide qualified medical care for inmates.

Currently, in penal institutions, regular measures are undertaken to strengthen the supply of medicines and improve the material and technical base of medical and preventive care departments, as well as to promote a healthy lifestyle and sanitary-hygienic awareness among inmates. Furthermore, to prevent the spread of infectious diseases among inmates, medical departments in correctional institutions are

equipped with modern digital X-ray fluorography medical equipment.

The current Penal Enforcement Code provides for the organization of general secondary education for convicted persons in correctional institutions (Article 100), as well as for the provision of secondary specialized, vocational education and vocational training in the production sector (Article 101). However, the right to education is not included in the list of basic rights of convicted persons established in Article 9 of the Code. In addition, there is a current need to create opportunities and conditions for convicted persons to receive higher education within correctional institutions, as under Part 3 of Article 100 of the Penal Enforcement Code, the right to higher education is granted only to those serving their sentences in settlement colonies.

Based on Article 35 of the Constitution of the Republic of Uzbekistan, Article 4 of the Law of the Republic of Uzbekistan "On Freedom of Conscience and Religious Organizations," Article 12 of the Penal Enforcement Code of the Republic of Uzbekistan, as well as paragraphs 75–77 of the "Internal Rules of Correctional Institutions for Deprivation of Liberty of the Ministry of Internal Affairs of the Republic of Uzbekistan" convicted persons held in correctional institutions are guaranteed freedom of religion. Convicted persons have the right to practice any religion or not to practice any religion at all. Upon their request, clergy members from religious organizations duly registered in accordance with established procedures may be invited to persons serving sentences of deprivation of liberty. Convicted persons are permitted to perform religious rites and to use the necessary items for worship and religious literature. Performing religious rites is voluntary and must not violate the internal regulations of the correctional institution or infringe upon the rights and lawful interests of other individuals.

It should be noted that Chapter 13 of the Penal Enforcement Code of the Republic of Uzbekistan, as well as Chapter 14 of the "Internal Regulations of Correctional Institutions for Deprivation of Liberty of the Ministry of Internal Affairs of the Republic of Uzbekistan," enshrine the right of convicted persons to work. Chapter 13 of the Penal Enforcement Code, covering Articles 88–99, establishes the following provisions regarding the right of minors to work:

1. Minor convicted persons cannot be engaged in work prohibited by labor legislation (Part 6, Article 89);
2. When a summarized work time accounting system is introduced, if convicted persons are involved in work beyond working hours, on weekends, holidays (non-working days), or at night, restrictions established for minors must be observed (Part 4, Article 90);
3. Regardless of all deductions, at educational colonies, at least fifty percent of the wages earned for work performed must be credited to the personal account of the convicted person (Part 3, Article 92).

Additionally, according to Article 88 (Involvement of Convicted Persons in Work) of the Penal Enforcement Code, women over fifty-five years old may be engaged in work at their own request. Convicted women are exempted from work due to pregnancy and childbirth for the period established by law. The labor of convicted women and minors may not be used for jobs prohibited by labor legislation. According to Article 90 (Working Hours of Convicted Persons) of the Penal Enforcement Code, pregnant convicted women, as well as women who have children in nursery homes at correctional institutions, may be engaged in overtime work, work on weekends and holidays (non-working days), or work under a summarized working hours system with their consent. Engagement of these persons in night work is allowed only with their consent and upon presentation of an appropriate medical certificate.

According to Article 92 (Remuneration of Convicted Persons) of the Penal Enforcement Code, at least fifty percent of the accrued earnings must be credited to the personal account of women over fifty-five years old, pregnant women, women who have children in nursery homes at correctional institutions, as well as convicted persons in educational colonies.

Convicted persons have the right to receive qualified legal assistance from lawyers. At the request of a convicted person entitled to legal assistance at the state's expense, an authorized official of the institutions and bodies executing punishment and other criminal-legal measures is obliged to take measures to ensure the participation of a lawyer providing legal assistance at the state's expense in the

review of sentences, rulings, and court decisions, as well as in matters related to their execution, in accordance with the Law of the Republic of Uzbekistan "On Providing Legal Assistance at the State's Expense." In other cases, a convicted person may apply to a specially authorized state body, indicated in the Law of the Republic of Uzbekistan "On Providing Legal Assistance at the State's Expense," to receive legal assistance at the state's expense.

A convicted person has the right to personal safety. In case of a threat to their personal safety involving placement in a disciplinary unit or deprivation of liberty, the convicted person has the right to orally or in writing appeal to any employee of the institution or body executing the punishment with a statement (report) requesting personal safety protection.

The employee who receives the convicted person's statement (report) must immediately submit it to the head of the institution or the body executing the punishment.

Paragraph 21 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) establishes that all prisoners not employed in outdoor work have the right to at least one hour of suitable physical exercise in the open air daily, weather permitting. Juvenile and other prisoners of appropriate age and physical condition should be provided with physical training and opportunities for games during exercise periods. Necessary facilities, installations, and equipment should be made available for this purpose.

Convicted persons receive psychological assistance aimed at adapting to the conditions of serving their sentence, resolving arising conflicts, and stabilizing their psycho-emotional state. Psychological assistance is provided by qualified psychologists at the request of the convicted person. Social adaptation measures are also applied individually based on the results of socio-psychological assessments of their behavior.

Article 13 of the Penal Enforcement Code of the Republic of Uzbekistan, as well as paragraph 71 of the "Internal Regulations of Correctional Institutions for Deprivation of Liberty of the Ministry of Internal Affairs of the Republic of Uzbekistan," define the main obligations of convicted persons. Convicted persons are required to observe the order and conditions of serving their sentence and to comply with the lawful demands of the administration of the institution or the body executing the punishment.

The conditions of serving a sentence include the obligation to treat the colony's property with care, maintain cleanliness in living quarters, wear clothing of the established design, comply with requirements for the storage of food, belongings, and items, wear insignia of the established design on clothing, ensure the safekeeping of work tools, equipment, and inventory belonging to the colony, and show politeness in communication with the institution's administration and other convicted persons.

Failure by convicted persons to fulfill their assigned duties and violations of the rules of conduct entail disciplinary liability in accordance with Article 105 of the Penal Enforcement Code of the Republic of Uzbekistan, as well as criminal liability under Articles 220 (Actions Disrupting the Operation of a Penal Institution), 221 (Disobedience to Lawful Requirements of the Administration of a Penal Institution), and 222 (Escape from Custody or Guard) of the Criminal Code of the Republic of Uzbekistan.

In conclusion, the legal status of convicted women and juveniles in Uzbekistan's penal system represents a complex set of rights, obligations, and guarantees ensured by both national and international law. Despite the restrictions inherent in imprisonment, convicts retain fundamental rights and freedoms that must be safeguarded within the framework of legality and humanism. Recent legislative amendments demonstrate the state's commitment to broadening the rights of prisoners, ensuring access to psychological support, education, employment, and social reintegration programs. Given their particular vulnerability, women and juveniles require additional protection, especially in the areas of health, safety, and respect for human dignity. Future development of penal legislation in Uzbekistan should continue to strengthen guarantees of individual rights and enhance the effectiveness of rehabilitation and reintegration mechanisms.

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