

## Constitutional Reforms in The Field of Health Protection in The Republic of Uzbekistan

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Article History	Abstract
<p>Received: 06 June 2023 Revised: 05 Sept 2023 Accepted: 29 Oct 2023</p>	<p><i>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 draft Constitution of the Republic of Uzbekistan, defines the system of normative legal acts operating in the field of health protection, analyzes international legal documents, the importance of the issue of health protection within the SDGs; formulated theoretical conclusions on the creation of a comprehensive infrastructure, basic elements of the health protection and promotion system. In the final part of the article, the importance of the constitutional reform regarding health protection is noted.</i></p> <p><b>Keywords:</b> International law, the right to health, the right to health protection, the Universal Declaration of Human Rights, Food Safety, the International Covenant on Economic, Social and Cultural Rights, Access to Medicines, the UN Millennium Declaration, the Sustainable Development Goals, health Security, the Constitution, international organizations, international standards, the law.</p>
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### 1. 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, becomes extremely important.

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 constitutions of states.

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

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 everyone 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 these eight Millennium Development Goals are directly related to health. They are aimed, in particular, at reducing maternal and child mortality, preventing the spread of HIV/AIDS, tuberculosis, malaria and other diseases [2].

Based on the Millennium Development Goals (MDGs), on September 25, 2015 at the Summit on Sustainable Development, the UN member States adopted the Sustainable Development Agenda (SDGs) for the period up to 2030, which includes 17 goals and 169 targets.

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

- ensuring a healthy lifestyle promoting well-being for everyone at any age,
- 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 part of domestic law, is proclaimed in normative legal acts, which provide ample opportunities for the realization of this right in accordance with international legal standards.

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

Uzbekistan initiates and supports activities that contribute to the protection and strengthening of the health of peoples in the CIS, the Eurasian Economic Community and the Shanghai Cooperation Organization. Uzbekistan has signed and ratified and adopted 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 Constitution of Uzbekistan in the preamble recognizes the priority of generally recognized norms of international law over domestic ones. The rights and freedoms of man and citizen are recognized and guaranteed in the country in accordance with the generally recognized principles and norms of international law and in accordance with the Constitution.

Issues of human health protection, ensuring his right to receive qualified medical care are regulated by the laws "On Public Health protection", "On sanitary and epidemiological welfare of the population", "On the prevention of iodine deficiency diseases", "On Medicines and pharmaceutical Activities", "On the protection of reproductive health of citizens", "On Organ Transplantation and human tissues" and others. [4]

The Constitution of Uzbekistan stipulates that everyone has the right to qualified medical care (Article 40) [5]. In order to implement this norm, a number of regulatory legal acts were adopted, including the Law of the Republic of Uzbekistan No. 265-I "On the protection of citizens' health" on 29.08.1996. Article 13 of the said Law states that citizens of the Republic of Uzbekistan have an inalienable right to health protection. The State 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 Citizens' Health provides for the provision of free medical care to the population guaranteed by the state from medical and preventive institutions of the state health system. The scope and procedure for providing free medical care are established by law. [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 most relevant today. Therefore, the adopted Concept of the development of the healthcare 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, prevention and control of infectious and non-communicable diseases.[8]

The concept provides for the creation of an Agency of 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 improvement and coordination of medical and social services provided to the elderly, persons with disabilities and other socially vulnerable categories of the population; organization and coordination of 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 medication is an element of the right to medical care and provides full-fledged treatment and prevention of diseases.

Currently, Uzbekistan is undergoing radical transformations in all spheres of life of society and the state. At the heart of these transformations is the reform of the Constitution, amendments and additions to which will be adopted at a national referendum. The draft amendments to the Constitution of Uzbekistan prepared by the special constitutional commission is large-scale and concerns all spheres of society, including health issues.

In this regard, we proposed the introduction to the draft Constitution to supplement article 40 in the following wording: "Everyone has the right to health protection and qualified medical care. Citizens of the Republic of Uzbekistan have the right to receive free of charge a guaranteed amount of medical care, established by law and also including ambulance and emergency medical care. The State takes the necessary measures to develop public, private and other health systems, ensure sanitary and epidemiological well-being, and create conditions for the development of various forms of health insurance."

Our proposal was taken into account, and in the draft Constitution, article 40 was amended as follows: "Everyone has the right to health protection and qualified medical care. Citizens of the Republic of Uzbekistan have the right to receive free of charge a guaranteed amount of medical care, established by law and also including ambulance and emergency medical care. The State takes the necessary measures to develop public, private and other health systems, ensure sanitary and epidemiological well-being, and create conditions for the development of various forms of health insurance. The State, in accordance with the principle of sustainable development, implements measures to improve, restore and protect the environment, and preserve the ecological balance. The State takes the necessary measures to protect and restore the ecological system, sustainable social and economic development of the Aral Sea region.

It should be noted that for the first time the Constitution will enshrine 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 state. The content of this right is predetermined by the social value of health as a personal and public good.

#### **4. Conclusion**

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

The complex of measures for health protection is not limited only to medical activities, but is also complemented by equally important aspects such as sanitary and epidemiological well-being, the creation of medical insurance, environmental protection.

An equally important issue is the development of private medical institutions. The appearance 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.

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

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