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INTERNATIONAL STANDARDS GOVERNING INDIVIDUAL REHABILITATION

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Abstract

In this article, the international documents, the international standards established in them, on the rehabilitation of the victims of the actions (inaction) and decisions of the bodies and officials authorized to conduct criminal proceedings, compensation for the material and moral damages caused to them, and their provision by the state have been studied and analyzed. In particular, the author presents analytical views on the measures that should be taken to rehabilitate, compensate for the harm caused to, and integrate into society those whose human rights and freedoms have been unlawfully restricted or deprived, unjustly or unjustly convicted, unjustly arrested, or imprisoned, in declarations, conventions, and international pacts adopted by the UN and other international organizations.

KEYWORDS: Declaration, human rights, compensation, Convention, rehabilitation, international standards, international documents, international law.

INTRODUCTION

Today, ensuring human rights and freedoms in our country is one of the main tasks of our society. International standards governing the rehabilitation of a person in criminal proceedings aim to ensure justice for people who have been wrongfully convicted or unfairly treated in trials. We can see that one of the most prominent legal phenomena at the international level was the active development of integration processes that affect national legal systems in the second half of the 20th century by influencing generally accepted principles and norms of international law.

The international legal framework and conventions recognize the importance of rehabilitation in criminal trials and as part of compensation for material and moral damage to

criminal victims.

Also, rehabilitation in international law consists not only in material compensation, but also in restoring the dignity of the individual, providing him with medical, psychological, legal assistance and social support. It is a key component of restorative justice and aims to rehabilitate both victims and wrongfully convicted individuals. These international standards reflect a broad consensus on the importance of rehabilitating individuals affected by the actions of public authorities or judicial misconduct, guaranteeing that justice is fully ensured.

METHODS

The IMRAD method was used in the preparation of this article. In this case, the opinions of foreign and

domestic scientists in the relevant field were studied, discussed and compared. The analysis also cited the author's subjective opinions.

RESULTS AND DISCUSSION

Rehabilitation of people affected by the actions and decisions of bodies and officials authorized to conduct criminal cases in the criminal proceedings is guaranteed not only by national legislation, but also by international legal norms, which are considered a component of the Republic of Uzbekistan's international obligations to guarantee human rights.

In turn, we can see several international legal acts and standards on the provision of rights and freedoms of citizens in international legal documents, the legal regulation of the issues of rehabilitation of a person in a criminal process. That is, the main international documents include:

- Universal Declaration of human rights;
- International Covenant on civil and political rights;
- European Convention on human rights;
- The basic principles of the United Nations on the right to support and cover. These principles provide guidance to states to ensure that victims of violations have fairness and appropriate compensation, including compensation, rehabilitation, and non-recurrence guarantees;
- Rome Statute of the International Criminal Court.

It should be noted that the Universal Declaration of human rights is considered one of the international documents aimed at ensuring the rights of its main citizens, stating that a person has the right to effective restoration of these rights by prestigious national courts in cases where the fundamental rights granted to him by Constitution or law are violated, no one can be unjustified, in order for him to determine to what extent the criminal guilt imposed on him is justified, on the basis of complete equality, it is established that his case will be considered by an independent and impartial court, subject to the requirements of transparency and Justice .

This declaration emphasizes human dignity, justice

and supports the rehabilitation concept, which, although it is not specifically said about rehabilitation, implies the need for rehabilitation in order to torture and restore its cruel dignity, violated rights to human beings. In this context, rehabilitation includes medical care, psychological support, legal protection of individuals who are divided into trespass or mistreatment, and social reintegration. These principles provide the basis for more specific international laws that clearly define rehabilitation as a fundamental element of justice and Human Rights Protection.

In particular, according to Section 2 (3) of the International Covenant on civil and political rights, each state participating in this pact receives the following obligations:

- a) to ensure that every person recognized in this pact whose rights and freedoms are violated, are provided with effective means of legal protection, even if this case is committed by people who have acted formally;
- b) for any person requiring such preservation, the legal protection shall be provided by the prestigious court, administrative or legal authorities, or by other honored bodies provided for in the system of the state, and the possibility of protection shall be developed through the court;
- c) when legal remedies are granted, it is stipulated that competent authorities must ensure their implementation.

At the same time, Article 9 of the Pact establishes that anyone who is illegally imprisoned or held in custody has the right to demand compensation with the power of claim.

The current Pact was also ratified by the Republic of Uzbekistan on December 28, 1995. It treats rehabilitation as part of the rights of persons who have been wrongfully convicted or whose human rights have been violated and emphasizes the right to fair treatment in criminal proceedings and, in the case of failure of justice, envisions protective instruments such as compensation and rehabilitation,

it highlights the importance of restoring an individual's dignity, including providing legal

support, compensation and medical or psychological assistance, full rehabilitation and reintegration into society of individuals affected by illegal prosecution or violence.

The UN Committee on Human Rights also reviewed the 5th periodic report of the Republic of Uzbekistan and recommended guaranteeing the rights of victims to effective means of legal protection in accordance with Article 2, Paragraph 3 of the Pact. The issue of rehabilitation is also mentioned in paragraph 18 of the final conclusions of the Committee against Torture on the 5th periodic report of the Republic of Uzbekistan. According to it, the participating state must take measures to remove the criminal conviction from people who were sentenced to death on the basis of evidence obtained as a result of torture or as a result of a court hearing in which the main guarantees of the process were not provided to the defendants, to ensure the harm (compensation) to the victims. At the same time, it is established that it is necessary to consider the issue of creating an independent commission for the purpose of studying these issues.

In the Declaration adopted by the UN Resolution No. 40/34 of 29 November 1985, "On the basic principles of justice for victims of crime and against abuse of power" the term victim is very widely interpreted. In particular, the term "victim" refers to a person who has been injured as a result of a serious violation of his or her fundamental rights as a result of an act or omission that is considered a violation of generally accepted international human rights norms, but is not yet considered a violation of national criminal law.

Also, in accordance with the Declaration, it is necessary to approach the victims with compassion, respect their dignity. They are established in accordance with national legislation that they have the right to the mechanisms of Justice and the fastest compensation of damage caused to them.

In addition, the European Convention on Human Rights, one of the main international legal acts, has an important place in international relations, arguing that the use of rehabilitation in criminal proceedings, in particular, a fair trial process, has

the right to protection against illegal prosecution and the use of effective means of protection. In addition to ensuring human rights in certain articles of this convention, rehabilitation ensures that a person is necessary for the restoration of personal immunity, rights and dignity, including the possibility of using effective means of protection when procedural errors are made in cases of illegal prosecution or criminal cases. In this context, rehabilitation includes both forensic tools and recovery efforts such as medical and psychological care.

In turn, in case of violation of the rights of an individual in the course of criminal proceedings, it is established that the state is obliged to take measures to ensure and correct the implementation of the law, including rehabilitation of the individual. Because it directly appeals to the restoration of the rights and dignity of the individual after violations. This includes:

- compensation for illegal prosecution;
- restoration of dignity: ensuring the reflection of the acquittal of persons convicted illegally in public and legal documents;
- psychological and social support: protecting victims of injustice.

The importance of the convention is not only the ability to protect individuals from human rights violations, but also the ability to actively restore their dignity and rights through systemic legal means of protection and rehabilitation measures.

In addition, M.Askarov stressed in his scientific work that "the institute of rehabilitation in criminal procedure legislation should not be limited by such principles as legality, justice, responsibility for guilt, inevitability of responsibility, respect for the dignity and honor of the individual, protection of the rights and freedoms of citizens, the establishment of the truth, the presumption of innocence, the right to freedom words". M. Asqarov, continuing in his comments, noted that "in the pre-trial or judicial stages of proceedings of the case, Article 23 of the CPC, doubts and accusations should be decided in favor of a suspect, accused or defendant, no unjustified guilt should be declared, no restrictions on rights and freedoms".

In turn, we can see that the issues of ensuring the rights and freedoms of citizens and establishing effective mechanisms of compensation and assistance to people affected by the crime in the Prevention of material and moral damage are also emphasized.

In another important international legal document named Mandela Rules, which are the United Nations' minimum standards for the treatment of prisoners, it was stressed that in actions that may amount to torture or other cruel, inhuman or degrading treatment or punishment, including the absolute prohibition of active or passive participation in experiments that may harm the health of the prisoner, for example, the removal of cells, tissues and organs from the prisoner's body, if other control measures are ineffective and it is necessary to prevent the prisoner from harming himself or others or causing material damage, it is only allowed by order of the prison director; in such cases, the director shall immediately notify a physician or other qualified medical personnel and the information shall be provided to the higher administrative authority.

In addition, in the provisions of this Mandela, we can see that ensuring the rights and freedoms of its citizens provides relevant norms on the issue of prevention of torture, protection against material and moral damage, and restoration. That is, each prison institution should have a medical and sanitary service, which is tasked with assessing, maintaining, preserving and improving the physical and mental health of prisoners with a lot of attention to prisoners who have a special need for medical and sanitary assistance or have health problems that prevent them from being rehabilitated, it is also reflected that convicted prisoners must be able to work and/or actively participate in their own rehabilitation if deemed physically and mentally competent by a doctor or other qualified medical professionals.

It should be noted that in ensuring the rights and interests of citizens, it is also important to prevent torture and other cruel, inhuman or degrading treatment and the use of punitive types. Article 6 of the "Declaration of rights and obligations of states", adopted by the UN Commission on international

law in the 1st session of 1949, established that "any state is obliged to respect all people under its jurisdiction with respect to human rights and fundamental freedoms, regardless of race, gender, language and religion".

One of the most important UN documents internationally, the "Convention against torture and other cruel, inhuman or degrading types of treatment and punishment", adopted on 10 December 1984, consists of 33 articles. This Convention recognizes the right to receive fair and alternative compensation, noting, if necessary, the need to create and strengthen judicial and administrative mechanisms aimed at ensuring that victims are quick in character, fair, not high in contributions, easy to achieve, able to receive compensation through formal and informal proceedings.

The primary purpose of documenting torture and other types of bullying, especially in the context of victim compensation, is to determine whether torture and other types of bullying or related misconduct were actually committed. Ideally, the offense should be identified at the national level in the process of criminal investigation and in the controversy in the national courts. If this is not possible, regional and international (quasi-) judicial authorities may also make such a determination. A prominent statement made by a (quasi-judicial) body may give the victim an official confession in support of her complaint of torture and other forms of bullying and confirm that the Government has violated its obligations to protect human rights in relation to a particular person. It was argued that if the Government did not respond to allegations of torture and other forms of bullying and did not address them in accordance with its human rights obligations, this, in turn, could provoke another violation.

Although recognizing an offense is the first step taken to fully compensate for the damage to a particular victim, it can bring some lightness. Making the public aware of the responsibility of the relevant government also leads the government to respond for its actions and can serve as a propaganda tool aimed at general improvement of the situation in the country with regard to torture

and other types of treatment.

In each individual case, comprehensive measures aimed at eliminating offenses must be adopted, and it is indicated that the compensation must be established in proportion to the severity of violations and damages incurred.

It follows that a rehabilitated person has the right to receive compensation even if it is not directly established by law, and the European Court of human rights has made a number of decisions aimed at restoring the rights of applicants precisely on the basis of this clause.

CONCLUSION

The European Court of Human Rights is today one of the main international bodies in ensuring the rights and freedoms of citizens, preventing and reducing crime, and ensuring the implementation of the European Convention. The main activities of rehabilitation measures are the use of effective mechanisms aimed at proving and rehabilitating the crime of people with limited freedom, helping to develop the skills of further effective living, strengthening the issues of education programs and professional education even from the relevant resources.

In addition, it emphasizes the importance of rehabilitation for individuals sentenced to long-term or life imprisonment. The court notes that they must have the opportunity to be released, which includes attending rehabilitation programs. Rehabilitation helps lawbreakers adapt to society and reduces the likelihood of them committing repeated crimes. In particular, rehabilitation programs for criminals benefit both society and individuals. Such an approach is an important part of ensuring the safety of society and protecting human rights.

At the same time, the 1990 United Nations minimum standard rules for non-parole-related measures, known as the Tokyo rules, were adopted.

Focusing on the essence of the provisions, respect for their dignity is ensured by paying attention to the implementation of Justice in the process of criminal proceedings, ensuring the rights and

interests of people deprived of Liberty, effective rehabilitation centers not to commit re-crimes, the decline of recidivism, and, moreover, the potential for change in human dignity and rights violations. The Tokyo Rules are also one of the main rules for ensuring human rights, adopting humane and constructive approaches in criminal proceedings around the world, and supporting international legal standards for the protection of human rights.

The United Nations minimum standard rules for administering justice against minors, known as the "Beijing rules", aim to apply non-prison-related measures such as probation, community service, or counseling, with penalties not related to restriction of freedom. As another key part, it should be noted that the penalties of educational importance for crimes committed by minors, as well as the ultimate goal of the Beijing rules, are to rehabilitate young offenders and prepare them for a constructive role in society. This includes education, vocational training, supporting mental health and ensuring the use of other resources to help them choose a positive life.

In addition, in recognition of the impact of the family environment, juvenile justice systems (in the system of bodies of Justice authorized to conduct investigations as well as criminal proceedings in some states) often offer family counseling sessions. It helps to solve conflicts or problems caused by the behavior of young people. Also, within the framework of this rule, community service programs allow young offenders to make positive contributions to society through their participation in local projects in the form of volunteers. For example, countries like New Zealand implement these programs to promote responsibility and co-ownership in young people. This experience also helps them connect with coaches and team members who can be positive role models.

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