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Questionnaire  
Reply by the Constitutional Court of Uzbekistan

**A. Court description**

Introduction

The Constitutional Court of the Republic of Uzbekistan is the organ of judicial authority to hear the cases on the constitutionality of acts of the legislative and executive authorities. The first composition of the Court was elected on December 22, 1995.

I. Basic texts

The main legal documents that regulate the activity of the Constitutional Court are the Constitution of the Republic of Uzbekistan (articles 108 and 109), the Law of the Republic of Uzbekistan "On the Constitutional Court of the Republic of Uzbekistan" which was adopted on August 30, 1995, the Rule of Procedure of the Constitutional Court of the Republic of Uzbekistan (new edition approved by the Constitutional Court on January 30, 2014).

II. Composition, procedure and organization

A citizen of the Republic of Uzbekistan not younger than thirty years old possessing high moral standards and required qualification may be elected as a judge of the Constitutional Court among the specialists in the sphere of politics and law.

The Constitutional Court consisting of Chairman, Deputy Chairman and five members of the Constitutional Court including a judge from the Republic of Karakalpakstan is elected by the Senate of the Oliy Majlis upon nomination by the President of the Republic of Uzbekistan. Every judge of the Constitutional Court is elected individually. A person is considered elected if he obtains the majority of the votes of the total number of the members of the Senate. The Constitutional Court is entitled to enter upon its activity provided that not less than four persons from the composition of the Court are elected. The Constitutional Court is a standing organ.

The Constitutional Court sessions are held as necessary. The main principles of the Constitutional Court's activity are: adherence to the Constitution of the Republic of Uzbekistan, independence, collegiality, publicity and equality of the judges' rights.

The right to introduce a matter for the hearing of the Constitutional Court is possessed by the chambers of the Oliy Majlis, the President of the Republic of Uzbekistan, the Speaker of the Legislative Chamber of the Oliy Majlis, the Chairman of the Senate of the Oliy Majlis, the Jokargi Kenes of the Republic of Karakalpakstan, a group of deputies not less than one fourth of the total number of the deputies of the Legislative Chamber of the Oliy Majlis, a group of senators not less than one fourth of the total number of the members of the Senate of the Oliy

Majlis, the Chairman of the Supreme Court, the Chairman of the Higher Economic Court and the General Prosecutor of the Republic of Uzbekistan. A matter can also be introduced by the initiative of not less than three judges of the Constitutional Court.

The Constitutional Court begins to examine the matter not later than seven day period from the moment of receiving the materials provided they meet the specified requirements. The decision on the matter under consideration is made at the Constitutional Court not later than three month from the moment of receiving the respective materials.

### III. Jurisdiction/Powers

The Constitutional Court:

determines the conformity of the laws of the Republic of Uzbekistan and resolutions of the chambers of the Oliy Majlis of the Republic of Uzbekistan, decrees of the President of the Republic of Uzbekistan, resolutions of the government and the local organs of state authority, interstate treaty and other obligations of the Republic of Uzbekistan with the Constitution of the Republic of Uzbekistan;

gives the conclusion on the conformity of the Constitution of the Republic of Karakalpakstan with the Constitution of the Republic of Uzbekistan, of the laws of the Republic of Karakalpakstan with the laws of the Republic of Uzbekistan;

gives interpretation of the norms of the Constitution and the laws of the Republic of Uzbekistan; hears other cases referred to its competence by the Constitution and the laws of the Republic of Uzbekistan.

The Constitutional Court of the Republic of Uzbekistan has the right to initiate legislation which is exercised by introducing a bill into the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.

The Legislative Chamber, the Senate of the Oliy Majlis of the Republic of Uzbekistan may be dissolved, by the decision of the President of the Republic of Uzbekistan adopted as agreed with the Constitutional Court of the Republic of Uzbekistan, in case of insuperable disagreements within the Legislative Chamber or the Senate putting under threat their normal functioning or numerous adoption by them decisions contradicting the Constitution of the Republic of Uzbekistan, as well as insuperable disagreements between the Legislative Chamber and the Senate putting under threat the normal functioning of the Oliy Majlis of the Republic of Uzbekistan.

The orders and the other acts of the General Prosecutor of the Republic of Uzbekistan (except the acts of individual nature) in case of contradiction to the Constitution and the laws of the Republic of Uzbekistan can be canceled pursuant to decision of the Constitutional Court of the Republic of Uzbekistan.

### IV. Nature and effects of the judgments

The Constitutional Court makes the decision only on concrete matters under consideration constitutionality of which is challenged. The Constitutional Court may upon examination for the constitutionality of the normative act simultaneously make a decision also in respect of the normative acts based on the examined normative act or replicating its provisions even they have not been mentioned in the matter introduced for the hearing of the Constitutional Court.

The resolutions, conclusions and the other decisions of the Constitutional Court are published in mass media. The decision of the Constitutional Court shall enter into force from the moment of publication. The decisions of the Constitutional Court are published in "Collection of the

legislation of the Republic of Uzbekistan”, newspapers “*Xalq so’zi*” and “*Narodnoe slovo*” and in “Bulletin of the Constitutional Court of the Republic of Uzbekistan”. The decision of the Constitutional Court shall be final and not subject to appeal. The Constitutional Court decisions are binding on all state bodies, public associations, enterprises, institutions, organizations, officials and citizens.

## Conclusion

The wide-ranging reforms in the judicial sphere are held in the Republic of Uzbekistan because life does not stand still, poses more and more tasks, including democratization of constitutional justice. Accordingly, the legislation in the sphere of constitutional justice must also be improved, but this must be done in stages.

## **B. Social integration**

### **1. Challenges of social integration in globalized world**

1.1. Issues of social security, tax and labor law were considered by the Constitutional Court of the Republic of Uzbekistan. In its decision, the Constitutional Court of the Republic of Uzbekistan defended the rights of citizens enshrined in the Constitution of the Republic of Uzbekistan.

1.3. There is no trend towards an increase in cases on legal issues relating to social integration.

### **2. International standards for social integration**

2.1. The preamble of the Constitution stipulates that the Republic of Uzbekistan recognizes the primacy of generally recognized norms of international law. Article 17 of the Constitution established that the foreign policy of the Republic of Uzbekistan is based on the principles and norms of international law. Many provisions of international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and others implemented into the Constitution of the Republic of Uzbekistan. Currently, Uzbekistan acceded to more than 70 major international human rights instruments. This are – the Universal Declaration of Human Rights, the Convention on the Rights of the Child , the Geneva Conventions and the Additional Protocols thereto , the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights , the International Convention on the Elimination of all Forms of Racial discrimination, the Convention against Torture and other Cruel, Inhuman or Degrading treatment or Punishment, the Paris Charter for a New Europe , and many others .

2.2. The Constitutional Court of the Republic of Uzbekistan in deciding cases is governed exclusively by the Constitution, laws and other legal acts of the Republic of Uzbekistan, as well as international legal acts in which the Republic of Uzbekistan is taking part.

2.3. The Constitutional Court of the Republic of Uzbekistan applies only the provisions of the international legal acts in which the Republic of Uzbekistan is taking part.

2.4. The Constitutional Court of the Republic of Uzbekistan take into account only the international legal acts in which the Republic of Uzbekistan is taking part.

2.5. The Constitutional Court of the Republic of Uzbekistan has not encountered conflicts between the standards applicable on the national and international level.

### **3. Constitutional instruments enhancing/dealing with/for social integration**

3.1. The Constitutional Court of the Republic of Uzbekistan in deciding cases bases on the principles and norms of the Constitution. For example, according to Article 4 of the Constitution the Republic of Uzbekistan provides a respectful attitude towards the languages, customs and traditions of the nations and nationalities living on its territory, the creation of conditions for their development. In accordance with Article 14 of the Constitution the State bases its activities on the principles of social justice and the rule of law in the interests of the people and society.

3.2. According to Article 19 of the Law “On the Constitutional Court of the Republic of Uzbekistan” the citizens do not possess the right to introduce a matter for the consideration of the Constitutional Court.

3.3. The Constitutional Court of the Republic of Uzbekistan does not have direct competence to deal with social groups in conflict.

3.4. The Constitutional Court makes the decision only on concrete matters under consideration constitutionality of which is challenged.

The Constitutional Court may upon examination for the constitutionality of the normative act simultaneously make a decision also in respect of the normative acts based on the examined normative act or replicating its provisions even they have not been mentioned in the matter introduced for the hearing of the Constitutional Court.

Normative act or its part ceases to have effect in case recognition of the normative act or its part as unconstitutional.

3.5. The Constitutional Court of the Republic of Uzbekistan gives interpretation of the norms of the Constitution and laws of the Republic of Uzbekistan. The official interpretation of normative acts carried out in the case of ambiguities in the normative act, improper or inconsistent practice of its application.

Decisions of the Constitutional Court of the Republic of Uzbekistan, including the interpretation of the Constitution and laws, are binding on all state bodies, public associations, enterprises, institutions, organizations, officials and citizens.

3.6. The Constitutional Court of the Republic of Uzbekistan has not encountered difficulties in applying these tools.

3.7. The Constitutional Court of the Republic of Uzbekistan does not have direct competence to deal with social groups in conflict.

### **4. The role of the constitutional justice in social integration**

4.1. The Constitution does not grant authority to the Constitutional Court of the Republic of Uzbekistan for the immediate resolution of social conflicts.

4.2. The Constitutional Court of the Republic of Uzbekistan does not de facto act as “social mediator” and this role is not attributed to it.

4.3. There has not been cases when social actors, political parties could not find any agreement, they would send the issue to our Court which had to find a legal agreement, which normally should have been found in the political arena.