



THE RIGHT OF A PERSON TO ACCESS INFORMATION AND ITS LEGAL GUARANTEES

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Received: 6 th July 2025	The article examines international and national legal instruments regulating the individual's right to access and receive information, providing a concise analysis of their content. The right to information is recognized as an integral part of fundamental human rights. In contemporary legal scholarship, the study of this right and its role within the broader framework of information law is relatively new and is gradually securing its position in national legislation. The analysis demonstrates that ensuring the individual's right to obtain information carries significant value for the effective realization and protection of human rights.
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In international practice, the role of the right to access information in ensuring human rights is increasing year by year. A number of measures are being implemented to guarantee the right of individuals to access information and the transparency of state bodies and organizations. As President Sh. Mirziyoyev emphasized, "A system is being introduced to ensure the openness, transparency, and accountability of the activities of state bodies and organizations, to set their efficiency indicators in terms of openness, and to evaluate them based on advanced international standards"¹.

Article 3 of the Law of the Republic of Uzbekistan on the Principles and Guarantees of Freedom of Information defines information as follows: "Information is data about individuals, objects, events, incidents, and processes, regardless of the sources and forms of presentation"².

From this definition, it can be understood that the concept of information is broad, encompassing data related to incidents, events, and individuals occurring in society. This highlights that information is a fundamental means of ensuring human rights.

The updated Constitution also includes several provisions strengthening the right of individuals to access information. Chapter VII, entitled "Personal Rights and Freedoms," establishes the right of individuals to seek, receive, and disseminate information, and requires state bodies and organizations to provide documents, decisions, and

other materials related to the individual. The right to access information can only be restricted in the following cases: limitations on the right to seek, receive, and disseminate information are allowed solely in accordance with the law and only to protect the constitutional order, public health, social morality, the rights and freedoms of others, public security and public order, as well as to prevent the disclosure of state secrets or other information protected by law, and only to the extent necessary for these purposes³. At the same time, the strengthening of the right to information in the Constitution is an important factor in making public administration open and transparent. Because the implementation of public control over the activities of state bodies, the expansion of citizens' participation in political processes, and the development of legal awareness in society are directly related to the possibility of free access to information.

The effective provision of this right in practice, on the one hand, strengthens the accountability of state bodies and organizations to citizens, and on the other hand, serves as an important tool in the fight against corruption. Therefore, the cases of restriction of the right to information should be strictly defined by law, and their application should be limited to the extent necessary.

In general, the norms aimed at guaranteeing the right to information in the updated Constitution can be considered an important step towards building a

¹ "Yangi U'zbekiston" newspaper. No. 126 (915), June 27, 2023. // URL: <https://yuz.uz/uz/newspaper>

² Constitution of the Republic of Uzbekistan. // URL: <https://lex.uz/uz/docs/-6445145#-6445695..> 78 pages

³ Shavkat Mirziyoyev. "STRATEGY OF THE NEW UZBEKISTAN". – Tashkent. "Uzbekistan" publishing house, 2021



democratic society, establishing the principle of transparency, and real protection of human rights.

The right to access information is the right of an individual and citizen to freely seek, receive, and recognize information. The right to access information is one of the important values of a democratic society. It means the use of information about the activities of state bodies, in other words, access to official information. The right of a person to access information is necessary to ensure the openness and transparency of decisions that are important to society. When discussing the right to freely receive, disseminate, and use information, regardless of the political, social, and economic status of the state, the process of information exchange must be based on the principle of unconditional legal equality of all citizens. Information should always be open to everyone with guarantees of accuracy and completeness. The right to access information is part of general freedom of information. According to Resolution 59(1) of the United Nations General Assembly in 1946, freedom of information is the right to collect, transmit, and publish information everywhere without any barriers. The right of individuals to information is an integral part of human rights⁴.

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, states in Article 19 that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers"⁵.

Thus, the right to access information consists of two main elements: the right to receive information and the right to disseminate it. The right of individuals to access information is also enshrined in the Constitution of the Republic of Uzbekistan, guaranteeing everyone the freedom to seek, receive, and distribute information by any legal means.

In general, the degree of transparency of state power structures is being gradually implemented. This has been facilitated by the development of electronic communication tools. State bodies and organizations have their own websites and even pages on social

networks. High-ranking officials maintain their blogs on social media, and every state agency has press services delivering official information daily to the public. The right of individuals to access information is a natural and inalienable right.

It is important to emphasize that in legal doctrine, the right to access information is interpreted not only as a communicative right but also as an "instrumental right," which is a condition for the realization of other human rights within the system. For example, according to J. Shauer, freedom of information serves as a means to ensure the conscious participation of citizens in political decision-making processes and facilitates the full functioning of democratic mechanisms⁶. Similarly, T. Mendel views the right to access information as a "guarantee of fundamental rights," considering it an essential mechanism for transparency and public oversight over the government⁷.

This approach is also supported by international legal norms. In 1946, the United Nations General Assembly adopted Resolution 59(1), recognizing "freedom of information as one of the fundamental human rights and the measure of all freedoms". Later, the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966 further reinforced this principle in clearer legal terms⁸. From this perspective, the right to access information is not only an independent right but also a key factor ensuring the effective exercise of other fundamental rights, especially freedom of speech, the right of association, and political participation.

During the process of national constitutional development, this right has been expanding. The updated Constitution of the Republic of Uzbekistan grants citizens the right to freedom of seeking, receiving, and disseminating information, and requires state bodies to provide relevant documents in response to requests from individuals and legal entities. This aspect is an important indicator of alignment with international standards. At the same time, clearly defined constitutional criteria for restrictions, their imposition solely by law, and their application to the necessary extent in a democratic society fully comply

⁴United Nations General Assembly. Resolution 59(I). Freedom of Information. 14 December 1946. – URL: <https://documents.un.org>

⁵ United Nations. Universal Declaration of Human Rights. 10 December 1948. – URL: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁶ Schauer F. Free Speech: A Philosophical Enquiry. Cambridge: Cambridge University Press, 1982. – 243 p.

⁷ Mendel T. Freedom of Information: A Comparative Legal Survey. Paris: UNESCO, 2008. – 211 p.

⁸ United Nations. International Covenant on Civil and Political Rights. 16 December 1966. – URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>



with the international law principles of "necessity and proportionality"⁹.

In this sense, the most important feature that unites the theoretical and practical content of the right to access information is that it not only guarantees a personal right but also serves as a fundamental means for strengthening mutual trust between the state and society.

Several documents exist in Europe concerning the right of individuals to access information. In particular, Article 10 of the Treaty on the European Union states that "decisions must be taken as openly as possible and as closely as possible to the citizen"¹⁰. This article can be interpreted as follows: all decisions related to the European Union should be made transparently, and citizens should be adequately informed about the decisions being made. Furthermore, Article 15 of the Treaty on the Functioning of the European Union states that "the institutions of the European Union must act openly and ensure free access to documents for any natural or legal person residing in a Member State or having a representation office there"¹¹.

The importance of the right to access information is now firmly established worldwide with clearly expressed principles about the nature of this right in various international treaties. In democratic countries, every citizen has the right to obtain information held by the state. This is considered essential for the principles of open government. It requires providing the public with opportunities to use information for public discussion in state affairs.

In the European region, the European Convention on Human Rights (1950, Article 10) interprets the right to access information as an integral part of the "freedom of expression". The European Court of Human Rights, in its practice, has recognized this right as fundamental to a democratic society and has frequently emphasized the obligation of state authorities to ensure transparency and provide information in the public interest¹². Similarly, the American Convention on

Human Rights (1969, Article 13) also guarantees the right to seek and receive information¹³.

In the experience of Asian countries, India is an important example. The Supreme Court of India has interpreted the right to access information constitutionally as part of the "right to life and liberty," and the "Right to Information Act" adopted in 2005 established an effective mechanism for exercising this right¹⁴. In Latin America and African countries, legislative activities related to the right to access information have also developed significantly in recent decades, with special laws adopted in countries such as Mexico (2002), Nigeria (2011), and South Africa (2000)¹⁵.

Therefore, international experience shows that the right to access information is viewed not only as a personal right and freedom but also as an essential condition for transparency in governance, anti-corruption efforts, and civil society participation. The Constitution of the Republic of Uzbekistan and its national legislation are advancing closer to international standards by strengthening this right.

The Decree of the President of the Republic of Uzbekistan PF-150 dated September 11, 2023, titled "Uzbekistan - 2030" strategy, includes an annex consisting of 100 points. Points 39 and 66 outline tasks related to ensuring people's rights to access information in the relevant field, while point 83 sets the task of "consistently continuing the openness policy and guaranteeing the implementation of citizens' rights to access, use, and distribute information." Point 96 states the necessity to "further strengthen guarantees for citizens to freely seek, receive, and distribute information"¹⁶.

From this, it can be understood that extensive work will be carried out to guarantee the right to access information. The right to information is an essential tool for increasing public participation. Citizens who have access to information can contribute better to government processes and express meaningful opinions that help shape them. The use of information by

⁹ Constitution of the Republic of Uzbekistan. New edition adopted by a national referendum on April 30, 2023. – Tashkent, 2023.

¹⁰ Consolidated version of the treaty on the functioning of the European Union. // URL: <https://eurlex.europa.eu/legalcontent/EN/TXT/?uri=CELEX%3A12012E%2FTXT>.

¹¹ United Nations Convention against Corruption. // URL: <https://lex.uz/docs/-1461329>

¹² European Court of Human Rights. Case of Társaság a Szabadságjogokért v. Hungary (Application no. 37374/05). Judgment of 14 April 2009. – Strasbourg: ECHR, 2009.

¹³ American Convention on Human Rights (Pact of San José, Costa Rica), 22 November 1969 // Organization of American States. – San José, 1969.

¹⁴ Supreme Court of India. State of Uttar Pradesh v. Raj Narain (1975 AIR 865, 1975 SCR (3) 333). – New Delhi: SCI, 1975.

¹⁵ Banisar D. Freedom of Information Around the World: A Global Survey of Access to Government Information Laws. – Washington D.C.: Privacy International, 2006. – 174 p.

¹⁶ On the Strategy "Uzbekistan-2030". // URL: <https://www.lex.uz/uz/docs/6600413>



individuals is necessary for determining their own fate, participating in social and political life, and developing legal knowledge. This highlights the important role of information in ensuring human rights. International and national legislation continue to develop and improve normative legal documents related to the right to access information.

CONCLUSION. The analyses above show that the right to access information is regarded as a fundamental component of human rights in modern democratic societies. The constitutional and legislative strengthening of this right leads to several important conclusions:

International and national harmonization. The rules related to the right to access information in the Constitution of the Republic of Uzbekistan and the "Uzbekistan – 2030" strategy are being developed in harmony with the UN, the European Union, the European Convention on Human Rights, and other international documents.

A condition for democratic governance. The right to access information plays a decisive role in ensuring transparency and accountability of state bodies, effectively combating corruption, and establishing active participation of civil society institutions.

An instrumental right. As emphasized in legal doctrine, the right to access information is not only an independent right but also a necessary condition for the realization of other fundamental rights—freedom of speech, political participation, and the right to association.

Practical mechanisms. E-government, the activity of official websites of state bodies and social media, as well as the tasks established in presidential decrees, provide legal and organizational foundations for the effective exercise of this right in real life.

Overall, Uzbekistan's experience demonstrates that the development of the right to access information in alignment with national and international legal standards is a key guarantee for building an open and democratic society, effectively protecting human rights, and strengthening mutual trust within society.