

Legal Analyze of International Human Rights and Implementations of These Norms to the Legislation of Uzbekistan

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Abstract

In this article analyzed history, main notions and terms of International human rights organizations. However, main regulative directives, treaties, regulations and others was also legally analyzed in this article. Furthermore, legislations of developed countries (such as USA, UK and other) in the sphere of human rights are learned. As a result of analyze, given some recommendation on human rights legislation of the Republic of Uzbekistan.

Keywords: human rights, international human rights, EU, UNO, Universal Declaration of Human Rights, American Bill of Rights, ICESCR, HRC, UNESCO.

The United Nations Organization was created after the Second World War, primarily as a guarantee of peace and security throughout the world. Its founders understood from the very beginning how closely interrelated the concepts of peace and human rights are: only in the world can people achieve the full realization of their rights. People should never again experience the horrors of war, fall prey to the policy of genocide that devastated all of Europe.

Accordingly, in the preamble to the Charter of the United Nations, one of the goals of this world organization is called "the determination to reaffirm faith in fundamental human rights, human dignity and value, and the equality of people." and women and equal rights of nations, big and small. Other references to this can be found in the text of the Charter itself. Article 1, paragraph 3, states that the mission of the United Nations is "to promote and promote respect for human rights and fundamental freedoms for all, regardless of race, gender, language or religion".

After several years of preparation by the Commission, on December 10, 1948, the General Assembly of the United Nations proclaimed the Universal Declaration of Human Rights "a task towards which all peoples and all countries should aspire." The declaration was not adopted unanimously. Eight states - then the bloc of socialist states, Saudi Arabia and South Africa - abstained, but no vote was taken against the document.

The Universal Declaration of Human Rights[11] laid the foundation for the further development of the idea of human rights. For the first time in human history, a list of fundamental human rights has been compiled based on the fact that every man and woman is of the human race and benefits without distinction or discrimination. Previous human rights manifestos, including the French Declaration of the Rights of Man and Citizen[12] (1789) and the American Bill of Rights (1789/1791), were largely limited. They did not give women equal rights with men, slavery was legal, and in many countries personal wealth played a decisive role in determining the group of individuals who could exercise their rights and privileges. In addition, the population of the colonies was subjected to systemic discrimination. Thus, the Universal Declaration of Human Rights has become a fundamental manifesto proclaiming a new concept of human rights in the world. As a General Assembly resolution, it never became a binding set of rules, but rather became

an inspiration and catalyst for the codification process at the United Nations, but also a model for national constitutions around the world.

The first achievement at the level of binding international law was the adoption in 1965 of the International Convention on the Elimination of All Forms of Racial Discrimination. A year later, the General Assembly unanimously adopted two comprehensive international covenants - the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). To date, the vast majority of UN member states have acceded to these two pacts: 164 are members of the ICESCR and 168 are members of the ICCPR. When the Universal Declaration and the two covenants mentioned above are adopted together, they form an instrument called the International Bill of Human Rights. Another tool to combat discrimination is the 1979 Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly.

During the drafting of the Charter of the United Nations, this was characterized by some uncertainty. Although human rights issues have been included in the text because of the horrors of genocide in Europe, the Charter does not indicate specific ways and means of realizing these rights on the ground. Article 68 authorizes the Economic and Social Council to establish a commission for the promotion of human rights, but paragraph 7 of Article 2 obliges the United Nations not to interfere in matters "under the jurisdiction of any State". For more than a decade, with the strong support of the group of socialist states, the prevailing view was that the current practice of promoting and protecting human rights is in fact an internal affair. After the adoption of two international pacts in 1966, this point of view has completely lost its foundation.

Thus, gradually, the General Assembly and the Commission on Human Rights began to study the human rights situation in the countries complained of to the United Nations. Initially, the relevant procedural details were hidden by a veil of secrecy. However, since the 1970s, these restrictions have been lifted. The Assembly is now openly concerned about states that systematically gross violations of human rights. Two resolutions adopted by the United Nations have greatly strengthened it. In 2005, the Assembly proclaimed the concept of the "responsibility to protect" (General Assembly resolution 60/1). According to this concept, each state is obliged "to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity." In fact, this is nothing new, since such responsibility stems directly from the de facto recognition of fundamental human rights as fundamental principles of the international legal order. However, a new element of the concept of the responsibility to protect confirms that if a State fails to fulfill this responsibility, the Security Council can use its powers, as set out in chapter VII of the Statute, to protect the affected population. The Security Council first seized this opportunity in 2011 when it passed resolution 1973 (2011) on Libya, which greatly expanded the concept of international peace and security and included the concept of "international" in a horrific violation of international human rights. legal order.

The creation of the Human Rights Council (HRC) in 2006 significantly expanded the oversight powers of the international community. The Human Rights Council holds three regular sessions with the participation of 47 member states and may convene additional special sessions as required. It has become a key instrument in realizing the idea that human rights are an ongoing concern of the international community. Among the procedures introduced by the Human Rights Council, the universal periodic review is the most effective. All Member States of the United Nations have agreed to a comprehensive review of their human rights activities through peer review. Inspections are carried out on a four-year cycle. In cases where the state is not a party to the core human rights treaties, the Universal Declaration of Human Rights is used as the defining criterion. The final

stage of the global periodic review will take the form of a three-hour meeting, the format of which, of course, does not allow for a lengthy survey, but allows discussing the main shortcomings in an open meeting. At the end of this process, the State in question announces which of the many recommendations it intends to implement and which it rejects. Thus, the last word remains with the state, and the Human Rights Council refrains from forming a collective opinion. The main advantage of the global periodic review is that it is carried out in real conditions, without any diplomatic comments or precautions.

Currently, the universal periodic review mechanism overshadows the work of expert organizations set up separately for each major human rights treaty. It is clear that the Human Rights Committee, which oversees compliance with the International Covenant on Civil and Political Rights, has taken the initiative to include all classic “negative rights” in its mandate. Thus, the Committee has many-sided experience and is automatically tasked with developing general rules applicable to all of these rights.

Most expert organizations have three types of powers. On the one hand, each state party to an international human rights treaty developed under the auspices of the United Nations is obliged to regularly report on its activities related to the implementation of the rights provided for in the relevant treaty. Typically, such reports are discussed in the presence of the delegation of the country concerned. Initially, the procedure consisted of an exchange of arguments and did not imply any formal conclusions. After the great changes in the international system in 1990, all expert organizations openly expressed their views on the human rights situation in the country when necessary, without deviating from harsh statements on behalf of the affected population. We switched to the practice of open storytelling. ...

Some human rights treaties provide for a complaints procedure. Individuals may have the right to contact expert bodies through individual communications, while participating States may have the right to submit inter-state communications. Under the voluntary protocol of the ICCPR, personal communications play an important role. The Human Rights Committee has indeed become the equivalent of a global human rights court, and its non-binding jurisdiction has also been challenged by regional human rights courts. The interstate complaint procedure is currently ineffective. Typically, governments avoid formal action against one of their sovereign partners.

The United Nations human rights policy is characterized by two main principles. Communicating with states is seen as a way to convince them of the need for change. However, in accordance with the principle of delegation of authority, work on the ground should remain the responsibility of state bodies and administration. Only a few special functions have been delegated to United Nations agencies. For example, the United Nations High Commissioner for Refugees (UNHCR) deals with the fate of people fleeing armed conflict, persecution or natural disasters in their countries, which means that problems cannot be solved by individual states. Likewise, the mission of the World Food Program is to provide people with food and shelter.

The last agency to be mentioned in the context of human rights protection at the United Nations is the Security Council. While this should not initially be a guarantee of these rights, the notion of the responsibility to protect has confirmed its right to intervene in situations where the people of a country are suffering or are seriously threatened with a serious attack on their dignity and rights. ... Chapter VII of the Charter of the United Nations gives the Security Council broad powers to take the necessary corrective action. Unfortunately, the veto power of the permanent members of the Security Council often prevents that body from taking such action.

In accordance with the provisions of Article 1 (1) of the Charter, adopted on November 16, 1945, UNESCO is committed to “strengthening peace and security by enhancing cooperation among countries in the fields of education, science and culture”. interests of justice, the rule of law, human rights and universal respect for the fundamental freedoms of all peoples as enshrined in the Charter of the United Nations, regardless of race, gender, language or religion.

In 1978, the Executive Board of UNESCO established a confidential procedure for dealing with communications (complaints) received by the Organization concerning violations of human rights within its jurisdiction (for example, in the fields of education, science, culture and communication). This procedure is outlined in Resolution 3.3 of the Executive Council, the text of which is attached.

The purpose of the process

This procedure is aimed at ensuring a peaceful settlement of the issues referred to UNESCO:

Through dialogue with interested governments to work together in a confidential manner to consider what can be done to promote the use of human rights in areas under UNESCO's jurisdiction;

"In the spirit of international co-operation, reconciliation and understanding UNESCO shall not act as an international judicial body" (paragraph 7 of the resolution).

What rights are included in UNESCO's mandate?

The following rights are the exclusive prerogatives of UNESCO (Articles of the Universal Declaration of Human Rights are given in parentheses, and these rights are also enshrined in the United Nations Pact of 16 December 1966):

the right to education (art. 26);

the right to participate in scientific research and enjoy its benefits (Article 27);

the right to participate freely in cultural life (art. 27);

the right to information, including freedom of opinion and expression (art. 19).

These rights may include the exercise of other human rights, including:

the right to freedom of thought, conscience and religion (art. 18);

the right to freedom to seek, receive and impart information and ideas by any means and within the state (art. 19);

a person's right to protection of his spiritual and material interests as a result of scientific, literary or artistic works written by him (Article 27);

the right to freedom of peaceful assembly and association whose activities are related to education, science, culture and information (art. 20).

What is the Universal Declaration of Human Rights?

The Universal Declaration of Human Rights establishes fundamental rights and freedoms for all. Adopted by the UN General Assembly on December 10, 1948

When was the Universal Declaration created?

The Universal Declaration was adopted on December 10, 1948 by the UN General Assembly. Building on the experience of previous world wars, the Universal Declaration marks the first time that states have agreed on a comprehensive declaration of inalienable human rights.

What does the Universal Declaration say?

The Universal Declaration begins with the recognition that "the inalienable dignity of all members of the human family is the foundation of freedom, justice and world peace."

He declares that human rights are universal - they can be enjoyed by all, regardless of who they are or where they live.

The Universal Declaration includes civil and political rights such as the right to life, liberty, freedom of expression and personal inviolability. It also includes economic, social and cultural rights such as social security, health and the right to education.

Does the Universal Declaration have legal force?

The Universal Declaration is not a treaty, so it does not impose direct legal obligations on countries.

However, it is an expression of core values shared by all members of the international community. This has greatly influenced the development of international human rights law. Some argue that because countries have been constantly referring to the Declaration for more than sixty years, it has become mandatory as part of international customary law.

In addition, the Universal Declaration led to the emergence of a number of other international treaties that are legally binding for the countries that have ratified it. This includes

The International Covenant on Civil and Political Rights (ICCPR) [9] and

International Covenant on Economic, Social and Cultural Rights (ICESCR).[10]

For more information on these agreements, see

Human rights: the rule of law

Clarifying Human Rights: International Law.

Other binding agreements that expand the rights of the Universal Declaration include:

1965 Convention on the Elimination of All Forms of Racial Discrimination

1979 Convention on the Elimination of All Forms of Discrimination against Women

1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1989 Convention on the Rights of the Child

2006 Convention on the Rights of Persons with Disabilities

The International Covenant on Human Rights is formed in combination with the International Covenant on Economic, Social and Cultural Rights (1966), the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). According to the Universal Declaration of Human Rights, the Covenant states that "... the ideal of a free person, free from fear and want, can only be realized by creating conditions in which everyone can enjoy their economic, social and public interests. cultural rights, as well as their civil and political rights.

The pact entered into force in 1976 and has been ratified by 160 states as of May 2012.

International Covenant on Economic, Social and Cultural Rights of December 16, 1966

The International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the International Covenant) was adopted by the UN General Assembly on December 16, 1966 and

entered into force on January 3, 1976. The USSR signed this pact on March 18, 1968. Ratified by the Presidium of the Supreme Soviet of the USSR on September 18, 1973. It should be noted that in 1966, the development of two international covenants on human rights (instead of the originally conceived one) was completed: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. International Covenant on Civil and Political Rights

The Committee on Economic, Social and Cultural Rights oversees the implementation by States parties of their obligations under the International Covenant and their respective rights and obligations.

Economic, social and cultural rights are the human rights to work, employment, social security, family life, participation in cultural life, housing, food, water, health and education.

Economic, social and cultural rights are individual rights.

The International Covenant on Economic, Social and Cultural Rights (article 1) begins with the important principle that all peoples have the right to self-determination. The right to self-determination is a prerequisite for the full enjoyment of all fundamental human rights.

The international pact includes:

1. Property rights:

- ownership;
- the right of people to freely dispose of their natural resources, etc .;

2. social rights:

- the right to work and free choice of profession;
- The right to a just and satisfactory right to a dignified life;
- the right to marry and found a family;
- the right to protection of motherhood and childhood;
- the right to rest and leisure;
- the right to a standard of living necessary to maintain health and well-being (including food, clothing, shelter and medical care);
- the right to social security in the event of unemployment, illness, disability, widowhood, old age or other loss of life due to circumstances beyond the control of the individual;

3. cultural rights:

- the right to defend the spiritual interests of the author arising from scientific, literary or artistic works;
- the right to education;
- the right to take part in cultural life;
- The right to use the results of scientific developments and the right to use them in practice, etc.

COVENANT OF CIVIL AND POLITICAL RIGHTS

What is the Covenant on Civil and Political Rights (ICCPR)?

The ICCPR is a fundamental international human rights treaty that protects civil and political rights. The ICCPR is an international human rights law, along with the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The ICCPR obliges countries that have ratified a treaty to protect and preserve fundamental human rights, such as: the right to life and human dignity; equality before the law; freedom of speech, assembly and association; freedom of religion and personal integrity; refusal to arrest by torture, ill-treatment and arbitrary arrest; gender equality; the right to a fair trial; correct family life and family unity; and minority rights. The Covenant obliges governments to take administrative, judicial and legislative measures to protect the rights enshrined in the treaty and provide effective remedies. This pact was adopted by the UN General Assembly in 1966 and entered into force in 1976. As of December 2018, 172 states have ratified the Covenant.

What is a Human Rights Committee?

The Human Rights Committee was established to oversee the implementation of the ICCPR. It is composed of 18 independent experts with recognized qualifications in the field of human rights. The members of the committee are elected for a four-year term and must be from countries that have ratified the Covenant. As of January 2019, committee members have arrived from Albania, Canada, Chile, Egypt, France, Germany, Greece, Guyana, Israel, Japan, Latvia, Mauritania, Paraguay, Portugal, Slovenia, South Africa, Tunisia, and Uganda.

The Human Rights Committee meets three times a year for three-week sessions at the UN office in Geneva, Switzerland. States that have ratified the ICCPR are required to report to the Committee every four years. Three to five States are invited to submit their reports at each session, which is open to the public and is usually broadcast live. The committee will review the report and send its concerns and recommendations to the country in the form of “concluding observations”. The committee will also publish general comments to clarify the content of the human rights treaty provisions. [5-8]

Conclusion

Human rights are fundamental rights that have a place to all of us basically since we are human. They exemplify key values in our society such as reasonableness, respect, uniformity and respect. They are an imperative implies of assurance for us all, particularly those who may confront mishandle, disregard and separation. Most critically, these rights grant us control and empower us to talk up and to challenge destitute treatment from a open specialist.

Human rights are basic standards of behavior concerning certain issues that are universally regarded as important. If you are born human, the world has set standards of behavior for you that you are required to obey. These standards are called human rights. They are believed to be universal because every country that has signed the Universal Declaration of Human Rights has agreed to them.

References:

1. <http://www.uop.edu.pk/ocontents/Lec-5%20Human%20Rights%20in%20Pakistan.pdf>
2. <http://www.na.gov.pk/en/content.php?id=74>
3. https://en.wikipedia.org/wiki/Human_rights_in_Europe
4. <https://fra.europa.eu/en/news/2021/persistent-challenge-violence-against-women>

5. Turdialiev, M. A., & Komilov, B. (2020). The Legal Issues Of International Investment Activity In Uzbekistan: Critical Analysis And Legal Solutions. *The American Journal of Political Science Law and Criminology*, 2(12), 16-21.
6. Akramov, A., Mirzaraimov, B., Akhtamova, Y., & Turdaliyev, M. A. (2020). Prospects For The Development Of Trust Management In Uzbekistan. *Psychology and Education Journal*, 57(8), 530-535.
7. Narziyev, O. (2021). The Perspectives Of The Establishment Of International Financial Centers In Uzbekistan And The Implementation Of English Law. *Turkish Journal of Computer and Mathematics Education (TURCOMAT)*, 12(4), 1104-1108.
8. ТУРДИАЛИЕВ, Муҳаммад Али. "ЭРКИН ИҚТИСОДИЙ ЗОНАЛАР ДОИРАСИДА ИНГЛИЗ ҲУҚУҚИНИ ЖОРИЙ ЭТИШНИНГ ХОРИЖ ВА МИЛЛИЙ ТАЖРИБАСИ." *ЮРИСТ АХБОРОТНОМАСИ* 1.6 (2020): 151-158.
9. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
10. <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>
11. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
12. <https://www.bl.uk/collection-items/the-declaration-of-the-rights-of-man-and-of-the-citizen#:~:text=On%2026%20August%201789%2C%20the,time%20of%20the%20French%20Revolution.>